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OF

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

16° VICTORIÆ, 1853.

VOL. CXXIV.

COMPRISING THE PERIOD FROM

THE TENTH DAY OF FEBRUARY,

TO

THE TENTH DAY OF MARCH, 1853.

Second Volume of the Session.

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1853.

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[NEW MEMBERS SWORN.

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Feb. 10.
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Feb. 10.
London—Rt. Hon. Lord John Russell.
Nottingham—Rt. Hon. Edward Strutt.
Oxford University—Rt. Hon. William Ewart Gladstone.
Oxford—Rt. Hon. Edward Cardwell.
Southwark—Rt. Hon. Sir William Molesworth, Bt.
Dumfriesshire—Viscount Drumlanrig.
Haddingtonshire—Hon. Francis Wemyss Charteris.
Leeds—Rt. Hon. Matthew Talbot Baines.
Hertford—Hon. William Francis Cowper.
Marlborough—Rt. Hon. Lord Ernest Bruce.
Carlisle—Rt. Hon. Sir James Robert George Graham, Bt.
Scarborough—Earl of Mulgrave.
Tiverton—Rt. Hon. Viscount Palmerston.
Gloucester—Hon. Maurice Frederick Fitzhardinge Berkeley.
Wolverhampton—Rt. Hon. Charles Pelham Villiers.
Brighton—Lord Alfred Hervey.
Wilts (*Southern Division*)—Rt. Hon. Sidney Herbert.
Southampton—Sir Alexander James Edmund Cockburn.
Limerick County—William Monsell, Esq.
Aylesbury—Richard Bethell, Esq.

Feb. 11.
Leith Burgh—James Moncreiff, Esq.

Feb. 14.
Lichfield—Lord Alfred Henry Paget.
Cavan—Sir John Young, Bt.

Feb. 18.
Halifax—Rt. Hon. Sir Charles Wood, Bt.

March 2.
Forfar—Hon. Lauderdale Maule.

Re-elected on accepting their several Offices in the Ministry of the Earl of Aberdeen.

March 3.
Worcester County (*Western Division*)—Viscount Elmley, *v.* Hon. Beauchamp Lygon, now Earl Beauchamp.

March 10.
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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 4 NOVEMBER, 1852, IN THE SIXTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 10, 1853.

MINUTES.] *Took the Oaths.* — Several Lords; The Lord Stourton and the Lord Petre took the Oath prescribed by the Act of 10th *Geo.* IV., to be taken by Peers professing the Roman Catholic religion.

PUBLIC BILLS.—1ª Bail in Error; Chancery Suitors further Relief; Lunacy Regulation; Lunatic Asylums; Lunatics Care and Treatment; Bankruptcy; Criminal Law Amendment.

COMMON LAW PROCEDURE ACT—THE NEW RULES.

LORD CAMPBELL had the honour to lay on the table a document of considerable importance, to which he wished to solicit their Lordships' attention. Parliament had been pleased to depute a legislative power, with certain restrictions, to the Judges with reference to the regulation of proceedings in their respective Courts, by the Act passed last Session of Parliament respecting Common Law Procedure. By that Act a power was given to the Judges to make rules and regulations to carry into full effect the intentions of the Legislature; but under the restriction that these rules and regulations should be laid before both Houses of Parliament, and it was not until the expiration of three months that they would become law, so that both Houses might have ample opportunity of forming an opinion respecting them. In the exercise of the power thus given to them, the Judges had most anxiously framed a set of rules and regulations to govern the proceedings in the superior courts at Westminster, and for the carrying into effect the intentions of the Common Law Procedure Act. He could venture to say, that there were no men in the country more anxious than the Judges that the law should be administered with all possible simplicity, expedition, and economy; and it was upon that principle that the regulations had been framed. He had the satisfaction of stating that the Procedure Bill of last Session had worked admirably — it had greatly improved the practice of the superior courts, and rendered their proceedings more expeditious, more simple, and more economical. It was with the view of carrying these improvements still further, that the document he now moved should be printed, had been drawn up. The Judges would of course feel bound by the decision of Parliament on this subject, and if Parliament should disapprove of any of the rules which the Judges had framed, there would be ample time to bring in a Bill to alter them; but unless Parliament interposed, on the first day of Trinity Term these Rules and Regulations would become the law of the land.

BAIL IN ERROR BILL.

LORD CAMPBELL said, he wished to lay on the table a Bill the object of which he would state in a very few words. Their Lordships might remember that after the case of the late Mr. O'Connell before their Lordships' House had been disposed of, his noble and learned Friend, Lord Lyndhurst (then Lord Chancellor), brought in a Bill which he (Lord Campbell) warmly supported, which had for its object the admitting of persons who might have been convicted of an offence to bail, pending proceedings upon a writ of error. That Bill had been attended with some benefit, but it was also fraught with some inconvenience, and had not, perhaps, been framed with the necessary caution. Where the Attorney General prosecuted, there was no danger of collusion; but it often happened that prosecutions were instituted by private individuals from very improper motives, and there was often the danger of collusion between the prosecutor and the defendant. Indeed, he knew of cases since the Bill to which he referred had become the law of the land, where persons who had been convicted of the most scandalous offences had escaped punishment. The object of the Bill he was about to introduce was to guard against that evil.

The noble and learned Lord then *presented* a Bill to make further Provision for staying Execution of Judgment for Misdemeanors upon giving Bail in Error.

Bill read 1^a.

CHANCERY REFORM—CHANCERY SUITORS FURTHER RELIEF BILL.

LORD ST. LEONARDS rose for the purpose of laying on the table certain Bills having reference to Chancery Procedure. Their Lordships would recollect that about the middle of November last he made a very full statement of certain measures which he intended to propose on the subject of a reform in the Court of Chancery. The kindness of his noble and learned Friend on the woolsack had continued to him the facilities which he had before enjoyed with respect to the officers of the Court, and he was now able to ask permission to be allowed to lay the Bills on the table. On the occasion in question he had entered so fully into the provisions of the several Bills, that he should now content himself by shortly stating what their operation would be. The first Bill was for the further relief of suitors in the Court of Chancery, and its object was by a proper and new arrangement in the Accountant General's office, and by the proper management of the funds under his care, to enable the Court to reduce the expenses of litigation to such limits as might be desirable, in order to prevent improper litigation. He had no doubt that by the working of this Bill, and by the due administration of the funds, the expenses of suits in Chancery would be greatly reduced; and not only that, but that funds sufficient would be obtained to enable the Government at no distant day to erect courts for the administration of justice by the new Vice-Chancellors, with rooms attached, by which the new system might be fairly developed; and shortly afterwards to relieve the Consolidated Fund of the 26,000*l.* a year which it now contributed towards the payment of Judges in the Court of Chancery. He believed it would also prevent not only the brokerage and jobber's profit, but unnecessary sales of stock; and that system would cease to operate which had been considered so unseemly by which the Court of Chancery shared in the brokerage, and which formed a part of the fund. That would be entirely swept away, and the funds would never be operated upon by sales or purchases to a great amount with moneys belonging to the suitors. Another provision was, by the proper distribution of unclaimed dividends, to give to the Court new funds by which they would be enabled further to relieve the suitor. The noble and learned Lord then *presented* a Bill for the further Relief of the Suitors of the High Court of Chancery.

The LORD CHANCELLOR said, that of course any measure which had for its object the saving of expense to suitors, deserved the most serious consideration; and whether the measure of his noble and learned Friend would have that effect, must depend on a variety of details in the Bill, and the mode in which they would be likely to work. His noble and learned Friend had had the kindness to send him a copy of the Bill; but he must fairly confess that he had been as yet unable to make himself master of its details; and he made this avowal the more frankly, because the measure did not, strictly speaking, deal with the legal question, but with a financial one. The question as to how the transfer of funds at the Bank of England would or would not be likely to operate to the benefit of the suitors of the Court, was one which required grave consideration. He did not for a moment mean to say that the Bill was not a very salutary measure; but it depended on a variety of details, and the keeping of the accounts of funds amounting to above 48,000,000*l.* sterling, and it must be looked at with great attention before the House would give its assent to such a measure. He hoped, when the Bill was printed, that it would be allowed to lie on the table for some considerable time, so that due consideration might be given to a measure in which their Lordships took so deep an interest.

LORD ST. LEONARDS intended to move that the Bill, with the others which he was about to introduce, should be referred to a Select Committee.

Bill read 1ª.

LUNACY—LUNACY REGULATION BILL.

LORD ST. LEONARDS said, he had also to *present* to the House a series of Bills relating to Lunatics. No Bills had been prepared with greater care and caution, and after greater consideration. They were three in number. The first Bill proposed to regulate the proceeding and dealing with the property of lunatics under the care of the Court of Chancery. The Court already possessed powers under Act of Parliament, but some addition to those powers was necessary. He had already explained the general purport of the Bill:—its effect would be greatly to lessen the expense and to throw a great deal more caution around the subject; it would prevent the unnecessary summoning of juries—unnecessary references to masters in lunacy—unnecessary attendance of the next of kin—often a source of great expense—and also unnecessary orders by the Lord Chancellor. It would also introduce for the first time chamber practice on the part of the Lord Chancellor with reference to lunatics. He believed that very few cases would arise which this Bill would not provide for. The second Bill related to Lunatic Asylums, and consolidated the laws on that subject; and its object was to remove the many objections and difficulties that existed under the present law. The third Bill had reference to the care and treatment of lunatics, and was an amendment of the Act known as Lord Shaftesbury's Act, which, it would be recollected, appointed Commissioners for the purpose of visiting lunatic asylums. That Bill contained a number of provisions which, it was found by experience, required amendment. In drawing up the present measure, every possible care had been taken to guard the liberty of the subject, and to prevent an accusation of lunacy being improperly made against a party, and, at the same time, to avoid unnecessary expense in establishing lunacy when it admitted of no doubt. It did not touch cases of criminal lunatics, because he understood it was the intention of the present Government to bring in some separate measure with regard to them. The subject of criminal lunatics was a most important one, and required to be treated by itself. He believed that one-tenth or one-eleventh of the lunatics committed to Bethlehem Hospital were actually sane, and had always been so, but they made pretences of insanity in order to escape the punishment which the law awarded for the crimes they had committed. If he could make his voice heard, he would warn persons not to imagine they could escape the punishment which justly awaited them by affecting insanity. He had seen instances which would make men tremble at the consequences of adopting such a course. In a county asylum in Ireland, he had witnessed two criminals, each of whom had been guilty of murder under the most atrocious circumstances, but who had affected to be of unsound mind; they were both perfectly sane, and after some years' confinement the agony which, as tears ran down their cheeks, they confessed they endured when they reflected on the horror of passing their whole life in an asylum surrounded by lunatics, was a far greater punishment than that which the law prescribed for their crimes. In the county asylums, though the criminal lunatics were supported by the public money, no attempt was made to cure them of the insanity under which they laboured; yet, if they were unaccountable subjects, they ought to be treated in the same way as other lunatics. He had no doubt the Government would give the subject that thorough consideration and revision which it deserved. There was one clause of the Act which might lead to a good deal of discussion. It was proposed to open Bethlehem Hospital to the same inspection by the Government Commissioners as other lunatic asylums were now liable to. He had read the whole of the voluminous reports respecting that establishment; but nothing would induce him to say anything painful as regarded the conduct of the persons adverted to in those documents, because it appeared that the examinations took place in the absence of the parties accused. He rejoiced to learn that the governors had, with great propriety, entirely altered the old system; they had appointed a resident physician, and were about to appoint, or had appointed, a resident apothecary, and had made other arrangements of an equally beneficial character. He thought the check proposed to be held over the management of the Hospital would work well, and he apprehended it would not be objected to. One of the governors had himself stated that he believed the exception in the Act in regard to the inspection of Bethlehem was very injudicious. That being so, it was to be hoped the governors would gladly accept the means which were suggested for keeping their own officers and establishment in order, and for obviating the origination of abuses of any kind. The noble and learned Lord then *presented* a Bill for the Regulation of Proceedings under Commission of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics and their Estates (Lunacy Regulation Bill); a Bill to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the maintenance and Care of Pauper Lunatics in England (Lunatic Asylums Bill); and a Bill to amend an Act passed in the Ninth Year of Her Majesty for the Regulation of the Care and Treatment of Lunatics (Lunatics Care and Treatment Bills).

Bills read 1^{a} respectively.

REFORM IN BANKRUPTCY—BANKRUPTCY BILL.

LORD ST. LEONARDS said, the next Bill which he proposed to introduce related to Bankruptcy. It contained a variety of provisions which their Lordships would have an opportunity fully of considering; but its chief object was to induce persons who unfortunately became insolvent, and, in the common acceptation of the phrase, "incapable of meeting their obligations," to get at once into the Court of Bankruptcy without fear and without shame. In order to accomplish this he proposed, *inter alia*, to abolish first, second, and third class certificates. The noble and learned Lord *presented* a Bill further to amend the Laws relating to Bankrupts, to extend the jurisdiction of the Court of Bankruptcy, and make such Court auxiliary to the Court of Chancery (Bankruptcy Bill).

Bill read 1^{a}.

CONSOLIDATION OF THE CRIMINAL LAW —CRIMINAL LAW AMENDMENT BILL.

LORD ST. LEONARDS: My last Bill relates to a digest of the Criminal Law. If the present Government think, as the last Government thought, that this subject is an important one, I shall be happy to render my services in carrying it out. I propose that this shall be effected by a series of measures. That which I now submit is the first in that direction, and I can assure your Lordships that it has been prepared with great care and attention. It contains some general provisions, and lays down some general rules which will be applicable to the whole subject. I have very much at heart the prevention of murders and minor brutalities between husband and wife. With respect to bodily injuries to a wife, I have made it a distinct crime; and so with regard to any minor brutality. On the question as to the responsibility of a wife for a crime committed in the presence of her husband, the Commissioners to whom these questions of law have been referred, are of opinion that the law should be altered, and that the wife should not be protected unless she could prove that she committed the offence under the actual influence of her husband. There is only one thing more to which I will call your Lordships' attention, and that is the offence of duelling. The Commissioners recommended the punishment of duelling to be removed from the first class to the second, because they thought that when the punishment was reduced to transportation or imprisonment, juries would no longer hesitate to find verdicts of guilty. This is very sensible; but still I have ventured to leave the law as it stands. The offence is now murder, and the punishment the highest that man can inflict—death. And now that the healthy tone of society has done what law never did and never can accomplish—rendered it impossible for a man living in society either wantonly to provoke a duel, or to refuse the explanation and satisfaction justly due to another, I would leave it to some other time, if it should become necessary, to alter the law. We know not what the effect of degrading the punishment, if I may so express myself, might be. Society might no longer exercise its influence in this direction. Look at the effect of putting down boxing, fair fighting amongst the lower orders, which was rendered necessary by the brutal and brutalising prize fights. From my boyhood upwards, if man or boy, at the moment of quarrel, happened to have an offensive weapon in his hand, he cast it far from him, and "up with his fists." A fair fight ensued; but, now that such personal encounters are not permitted, there must be resort to some means of punishing an insult—an Englishman no longer hesitates to search for his knife, and plunges it into the abdomen of his antagonist. I have, therefore, left the law applicable to duelling as I found it. I have made a separate provision to meet such cases as those of Cannon the sweep's. If men will abuse the strength which God has given them, the law should guard us as far as may be from their murderous assaults. I have added to the severe punishment, solitary confinement. The law was found strong enough to punish Cannon, who is now under sentence of transportation; but although the offence would fall within one of the general classes, yet, as in the case of assaults of husbands upon wives, I have made it the subject of a separate provision, in order that such ruffians may know that the Legislature has provided against their particular crime, and that the provision may be generally circulated, in the hope of putting an end to such atrocities. The noble and learned Lord then *presented* a Bill to consolidate and amend the Criminal Law of England, so far as relates to Incapacity to commit Crimes, Duress, Criminal Intention, Criminal Agency and Participation, and Homicide, and other offences against the Person (Criminal Law Amendment Bill).

Lord CAMPBELL rejoiced that his noble and learned Friend had introduced this Bill; and without giving any opinion as to how far he could agree to the amendments it contained, he must say he certainly never had the smallest doubt that the criminal law ought to be codified; and he thought the exertions of his noble and learned Friend (Lord Brougham), who was now absent, in reference to this very important subject, had been of the highest value. Though he (Lord Campbell) thought it was fitting and proper that this, the first portion of the intended consolidation of the criminal law, should be introduced and maturely considered, and that it should be passed if it met with the approbation of both Houses of Parliament, he was clearly of opinion that it should not come into operation until the whole object was completed. If a contrary course were taken, it would be the first time in any nation that a new code of laws had been put into force piecemeal. The inconvenience that must arise by such a mode of proceeding was at once obvious. However, these observations were not arguments against the introduction of the Bill, and his only object in rising on the present occasion was to suggest to his noble and learned Friend the propriety of inserting a clause postponing the operation of the Bill until the whole code was completed. If his noble and learned Friend objected to do so, he should feel it his duty to propose a clause of that kind at some future stage of the Bill. With regard to duelling, he entirely concurred with what had fallen from his noble and learned Friend, and he thought the measures proposed would have the effect of reducing it to even a lower ebb than it was at present. Duelling did not require to be put down by law, as public opinion was already putting it down; but he thought that duelling should still be in the eye of the law murder, and that it should remain with those who advised the Crown in these cases to say whether, under the peculiar circumstances, the law should take its course.

Bill read 1^a.

MINISTERIAL POLICY.

The Earl of DERBY: Before the House adjourns, I trust Her Majesty's Government will allow me to put a question, or rather to make a single remark, which I hope they will not think an unnecessary one. Under ordinary circumstances, at the commencement of the Session, as your Lordships are aware, it is the practice, and I venture to think a very useful practice, for the Ministers of the Crown, through the medium of the Royal Speech, to explain to Parliament and the country more or less fully, though not descending into minute particulars, the general measures which it is the intention of the Government to submit for consideration. I am well aware that at the present moment we are not at the commencement of a Session, and that we meet under circumstances which deprive us of hearing through the ordinary channel what the intentions of Her Majesty's Government may be. Your Lordships are aware that at the present moment, Parliament having been adjourned and not prorogued, and a new Government having succeeded to office since the delivery of the Royal Speech, we have no indication of the specific measures which it is the intention of that Government to submit to Parliament; yet the circumstances of the occasion are such as to render it not less expedient that the policy of the Government should be made known then, as if it were the first day of a new Session. I do not put the question in any hostile spirit, nor am I about to ask of Her Majesty's Government any expression of the general political principles on which legislation will be conducted. The noble Earl opposite, indeed, gave what it may be presumed might be intended as an explanation of principles on his first assumption of office; and although that explanation did not throw any great light on the general policy of the Government, but left us in a state of as much uncertainty as to the course which will be pursued, as before that speech was delivered, and although, certainly, we are unable to form any possible conjecture as to the line of policy, or the general political principles, from the antecedents and previous opinions of a portion of those who compose the Government, I suppose if I put the question, I should receive much the same sort of general explanation. My Lords, I am not therefore anxious to ask on what principles the Government is about to proceed; but I think I have a right to ask for a statement of the measures they intend to propose, as it is more desirable the Government should be practically tested by those measures which they will submit to the consideration of Parliament, than by the vague generalities in which the First Ministers of the Crown may veil the policy which it is intended to pursue. But I should be glad to hear from the noble Earl—and I should have been still more glad if the noble Earl had volunteered the statement, and rendered this question unnecessary—what are the principal measures he means to submit, and to which he thinks the attention of this and the other House of Parliament may the most profitably and most usefully be directed in the course of the present Session, and especially which of such measures he proposes to proceed with in the earlier portion of this Session. The noble and learned Lord on the woolsack (Lord Cranworth) has given notice that on Monday next he will inform the House what the Government intend to propose with regard to the question of law reform. With regard to that question, I trust they will follow the course which has reflected so much credit on the assiduity and industry of my noble and learned Friend near me (Lord St. Leonards), which assiduity and industry, I am glad to find, from the statement he has just made, he has not abandoned with that office from which, I may venture to say in his presence, and even in the presence of the noble and learned Lord on the woolsack, this country has great cause to regret his removal. I hope the course of law reform entered upon so actively and energetically by my noble and learned Friend will not suffer by the transfer of the seals to other hands; and of this I am quite certain that to no hands could they have been transferred with less probability of those reforms being prejudiced than to those of the noble and learned Lord on the woolsack. But, my Lords, I am informed it is the intention of the Government—if that intention has not already been carried into effect—to make a statement in the other House of Parliament in the course of this evening, by the mouth of one of the noble Earl's Colleagues, indicating the measures which Her Majesty's Government will introduce; and although it may be quite true that we shall probably have the opportunity, by the usual breach of privilege, of ascertaining to-morrow morning, through the ordinary channels of information, the course the Government intend to pursue—even though the noble Earl himself make no statement. I think it would be more consistent with Parliamentary practice, and would show more consideration for your Lordships' House, if the head of the Government were to indicate the measures which it is the intention of the Government to introduce—more especially as I presume that the statement will be made in the other House upon the joint responsibility of the noble Earl and his Colleagues. I think it fully as important that that statement should be made here, because, from the circumstances of the present year, the early part of this Session must be more than ordinarily occupied in the other House with business of a description in which your Lordships do not interfere, and that will necessarily postpone legislative measures, however pressing, to a period of the year when it is very difficult to obtain for your Lordships' House of Parliament the requisite time and attention for legislation. Easter this year occurs at an unusually early period, and before the recess the Government can only command a very few nights for bringing forward any measures beyond those financial arrangements which must be necessarily proceeded with at once; and during that time I am not aware of anything being before your Lordships' House. On the other hand, experience teaches that a very valuable portion of your Lordships' time has been year after year, in the earlier portions of the Session, consumed in doing absolutely nothing; and then, towards the close of the Session, an accumulation of business comes upon us in a manner that renders anything like satisfactory legislation almost impracticable, to the great disadvantage of your Lordships, and to the great disadvantage of the country. I think it most desirable that your Lordships should, as early as possible, be in a position to judge practically of the confidence you are able to place in the present Government—that you should be informed what are the subjects to which, as I presume, in the last six weeks they have directed their attention—what are the subjects on which the Cabinet have made up their minds, and what are the subjects they intend in the present Session to submit to the consideration of Parliament. As I have already said, I do not ask for the assertion of any general principles, but I ask for a declaration of the measures the Government intend to submit to Parliament. I think, more especially in the present state of parties, that nothing can be more desirable than that the Government —if they are desirous of conscientiously performing their duties and proving by the practical measures they introduce their capacity to govern—and yet not their capacity, for of that there can be no doubt, as there has seldom been embodied a larger amount of talent than in the present Cabinet; but I will say—proving that the talent they possess is turned to its full account for the service of the country; and that whatever political differences of opinion may have subsisted between them on former occasions they are able to combine and co-operate together for the purpose of bringing forward measures which are useful and valuable to the country—that the Government should have an opportunity of earning the confidence of the country and establishing its claims to that confidence in a manner far more satisfactory than can be achieved by a mere declaration of principle, or by any announcement of the views which they individually entertain. They will have to be judged by their practice and performance, and not by their declarations of principle; and I venture to say on the part of myself and of those friends with whom I have the honour of acting, that if they bring forward such measures as we in our consciences can support and approve, they will receive from us not only no opposition—not only no desire on our parts to disturb the positions they hold—but nothing will give us more satisfaction than to find we are able to co-operate with them for the purpose of carrying measures useful and beneficial to the country. On the other hand, we ought to know what course it is the intention of the Government to pursue—we ought to know how far they will adopt and carry out those measures partly shadowed forth by the noble Earl opposite, and whether he is inclined to bring forward measures of such a character as it will be impossible for a Conservative Opposition to approve.

EARL FITZWILLIAM was not surprised at the appeal that had been made by the noble Earl; but he questioned whether it was so particularly consonant with the precedent and practice of former times to call on the Administration, formed under the circumstances under which the present Administration was formed, to declare the particular measures which they intended to propose as the noble Earl assumed. His noble Friend would recollect that on the formation of the Government, the noble Earl at the head of it did declare distinctly that the object of his Administration would be to maintain, support, and extend the policy of free trade. So far, then, the principles of the Administration had been declared. How far it would be expedient, at the present moment, that Her Majesty's Ministers should enter into a statement of the particular measures which they intended to propose, was another question, and one into which he should abstain on the present occasion from entering. The question of law reform appeared to him to have been taken up by the late Government, and to be now resumed by the present Government. The public had nothing further to expect than that the present Administration should carry into effect those reforms which were prepared by the last Administration, and which they had taken from those to whom they succeeded. Notwithstanding, therefore, the curiosity of his noble Friend, he hoped the noble Earl at the head of the Government would not give too much satisfaction to that curiosity, and not excite in the public mind too early a consideration of measures which it might be afterwards more prudent to abstain from pressing. He trusted that the noble Earl, from prudential considerations, would not listen too hastily to the question which had been put to him.

The EARL of ABERDEEN: My Lords, on the last day of the meeting of the House I laid before your Lordships in general terms the principles on which the Government had been formed, and on which they intended to act. In addition I alluded to the principal subjects which would engage the attention of the Government, with a view to future legislation. Those subjects have since that day occupied the attention of the Cabinet; and on those subjects, or the greater part of them, I trust legislation will take place, without delay. But as that legislation must for the most part originate in the House of Commons, I believe that it would not, as the noble Earl states, be following the precedents in this House to announce to your Lordships measures which are to be brought forward in the other House. With respect to law reforms, my noble and learned Friend (the Lord Chancellor) has already given notice of his intention to state on Monday next, the measures which he has in readiness or preparation to lay before your Lordships. Notwithstanding what has been done on that subject, I believe there is much yet to do; and no doubt the measures prepared by my noble and learned Friend will sufficiently show that it is the intention of Her Majesty's Government to apply themselves earnestly to the work. I am glad to know that the noble Earl opposite is prepared to examine these measures with impartiality and fairness; and if he should be able to give them his support, undoubtedly it will very much facilitate their passing into law; but should they not meet his approval, I still trust the measures now announced, or about to be announced, will be such as to merit the support of your Lordships.

The EARL of DERBY; I rejoice to hear that measures of law reform are in a forward state of preparation for legislation; but though I receive that statement with considerable satisfaction, I am somewhat disappointed by the answer given by the noble Earl opposite, in which his conclusions differ from those of the noble Earl on the cross benches. The noble Earl on the cross benches appears to consider that any statement of the intentions of the Government would be wholly premature. No doubt, after the intimation of the noble Earl (the Earl of Aberdeen) that no information will be given to the House of Lords by the Minister of the Crown, my noble Friend (Earl Fitzwilliam) will look with as much curiosity and anxiety as I shall to the morning papers, for the purpose of discovering through them that information which I still venture to think it would have been more respectful to your Lordships' House to have communicated to your Lordships by one of the Ministers of the Crown; and my noble Friend on the cross benches will there find, by the consent of a united Government, a Colleague of the noble Earl at the head of the Government, in detail and *in extenso*, making that statement to the House of Commons with regard to the intentions of Her Majesty's Government, which the noble Earl thinks it imprudent and premature to make in the House of Lords.

EARL FITZWILLIAM said, there was a difference between a Minister in the House of Commons declaring what measures it was proposed to introduce in that House, and his noble Friend (the Earl of Aberdeen) declaring in their Lordships' House the measures which his Colleagues would propose elsewhere.

The EARL of DERBY: I have always understood that Colleagues in one House were ready to answer for their Colleagues in the other; and I am sure that the noble Lord in the other House would not take the step of announcing in detail the intentions of the Government without the consent of his Colleagues here. But I will limit my question to asking the noble Earl opposite what measures he intends, upon the part of Her Majesty's Government, to submit to your Lordships' House in the course of the present Session?

The EARL of ABERDEEN bowed, but returned no answer.

The EARL of DERBY: Does silence mean none? Does the noble Earl, on the part of the Government, mean that no measures are to be introduced into your Lordships' House this Session?

The EARL of ABERDEEN again bowed.

The EARL of DERBY: May I be permitted to ask, again, what measures will be introduced into this House this Session? I have the sanction of my noble Friend upon the cross benches (Earl Fitzwilliam) for putting at least this question. Still no answer?

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 10, 1853.

MINUTES.] NEW MEMBERS SWORN.—For London, Right Hon. Lord John Russell; for Morpeth, Right Hon. Sir George Grey, baronet; for Nottingham, Right Hon. Edward Strutt; for Oxford University, Right Hon. William Ewart Gladstone; for Oxford, Right Hon. Edward Cardwell; for Southwark, Right Hon. Sir William Molesworth, baronet; for Dumfriesshire, Viscount Drumlanrig; for Haddingtonshire, Hon. Francis Wemyss Charteris; for Leeds, Right Hon. Matthew Talbot Baines; for Hertford, Hon. William Francis Cowper; for Marlborough, Right Hon. Lord Ernest Bruce; for Carlisle, Right Hon. Sir James Robert George Graham, baronet; for Scarborough, Earl of Mulgrave; for Tiverton, Right Hon. Viscount Palmerston; for Gloucester, Hon. Maurice Frederick Fitzhardinge Berkeley; for Wolverhampton, Right Hon. Charles Pelham Villiers; for Brighton, Lord Alfred Hervey; for Wilts (Southern Division), Right Hon. Sidney Herbert; for Southampton, Sir Alexander James Edmund Cockburn; for Limerick County, William Monsell, esquire; for Aylesbury, Richard Bethell, esquire.

NEW WRIT.—For Forfarshire, *v.* the Hon. Lauderdale Maule, Surveyor General of the Ordnance.

PUBLIC BILL.—1° Transfer of Aids.

PUBLIC BUSINESS.

LORD JOHN RUSSELL, having laid on the table a Convention relative to the succession to the Throne of Greece, said: In moving that these papers lie on the table, I think it may be convenient to the House if I state the course which Her Majesty's Government think it fit to pursue with respect to the measures which it is their intention to bring forward in the early part of the Session. In the first place, I beg to say at once that it is not my intention, nor is it at all necessary for me, to make any statement with regard to the general principles and views of Her Majesty's Government. A statement of that kind has been already made by my noble Friend at the head of the Government in another place, and that statement is so generally known, as to require no further remark on that subject. Her Majesty's Government intend, as soon as the Estimates for the year can be prepared and laid on the table and placed in the hands of hon. Members, to bring those Estimates under the consideration of the House. We hope to be able on Friday evening to ask the House to resolve itself into a Committee on the Navy Estimates; and we intend, as soon as possible afterwards, to proceed with the Estimates for the Army and Ordnance. With regard to the number of men for the Army, Navy, and Ordnance, I beg to state that there will be no increase beyond the number voted before the Christmas holidays. With respect to the sums to be voted, there will be a considerable increase, undoubtedly, upon the Estimates of last year; but when the details are submitted to the House, I believe such explanations will be given relative to that increase as will, I trust, prove satisfactory to the House. At all events, the reasons for that increase will be brought under discussion. Besides the Estimates, we propose to bring forward, in the first place, a Bill to enable the Legislature of Canada to dispose, with due regard to the interests of the present holders, of the clergy reserves of that province. It is the intention of the present Government to carry into effect the statement made on the part of the Crown by my noble Friend Earl Grey, when he was Secretary for the Colonies. The next question to be submitted to the House will be brought forward by my right hon. Friend the President of the Board of Trade, who, in moving for leave to introduce a Bill on the subject of pilotage, will state the views of Her Majesty's Government with regard to the light-dues and various other matters affecting the shipping interest. I propose on a very early day to ask the House to resolve itself into a Committee of the whole House, with a view to the removal of the disabilities now affecting the Jewish subjects of Her Majesty, and of placing them on the same footing as all other classes of Her Majesty's subjects. The next question which I propose to bring before the House—but not until after the Estimates have been voted—is one on the important subject of Education. I will not endeavour to excite any false hopes or expectations by saying that I am about to produce on the part of the Government a very large plan upon that subject; but I shall make certain proposals which I think, if they are adopted, will tend very greatly to further and promote the cause of education—a cause which impresses itself more and more upon the minds of all who consider the future destiny of this country, and which, in every respect, whatever opinions we may entertain, and whatever plans we may think best, must be considered one of the very highest importance. In stating the views of the Government upon the subject of the education of the poorer classes generally, I will, either then, or shortly afterwards, explain the course which Her Majesty's Government intend to pursue, and what is the proposition which they think should be made with respect to the Report which has been drawn up by the Commissioners relative to the Universities of Oxford and Cambridge, and into the state, discipline, studies and revenues of those Universities. I am at present unable to state when any educational measure for Scotland will be brought forward, because I have not had an opportunity for some time of conversing with my hon. and learned Friend the Lord Advocate; but probably in the course of the present Session a Bill on that subject will be introduced by the Government. There is another question, relative to which the right hon. Gentleman the late Secretary for the Colonies (Sir J. Pakington) has given a notice—I mean the important question of Transportation, which has not escaped the attention of Her Majesty's Government—I need not now refer to the great and important changes which have taken place—changes to which I have alluded in former debates—changes both with respect to the constitution and government of our Australian colonies, and also with regard to the recent discoveries of gold in Australia. But I will state at once that the present Government entirely adhere to the intention of the late Government, that transportation to Australia shall cease. It is the intention of Her Majesty's Government—and I think wisely so—to adopt a course which has been rendered necessary by the changes I have just noticed. But it is impossible not to perceive, that in putting an end to the system of transportation to the Australian colonies, it is imperatively necessary to look most seriously to the question of secondary punishment. The

late Lord Chancellor (Lord St. Leonards) intimated his intention of introducing a Bill into the other House of Parliament for the consolidation of the criminal law. I know not whether the noble and learned Lord intends to persevere with any measure of that description now. I have been deterred for some years from attempting any such consolidation by the conviction that it would be necessary to make some change with respect to transportation. I do not, therefore, consider it would be wise or expedient to consolidate the present law in respect to secondary punishments, merely for two or three years, when the whole subject must necessarily come under consideration at the period when the question of transportation shall be finally disposed of. I know not, I say again, what are the present intentions of Lord St. Leonards on this subject; but Her Majesty's Government will at a future period have a proposal to make with respect to the system of secondary punishments. I may say, therefore, that the Government have already come to the determination to put an end to transportation to the Australian colonies, which determination will be carried into effect by my noble Friend the Secretary of State for the Home Department. Hereafter—when those vessels which are already about to sail with convicts shall have left this country—it is not intended to send any more vessels with convicts to Van Diemen's Land, or to any of the Australian colonies. The House will feel that the topic to which I have just adverted, namely, that of transportation, acquires additional importance from the determination which has been arrived at by both Governments on this important subject, because when we propose measures which will deprive the administrators of the criminal law of the power of awarding that punishment which has hitherto proved an important means of deterring from crime, it becomes, if possible, the more necessary that we should implant in their minds motives sufficiently strong to induce them to avoid crime altogether. Immediately after the Easter recess, or as soon as possible after the completion of the financial year, my right hon. Friend the Chancellor of the Exchequer will propose the financial statement or Budget, and that being of course a very important subject, will no doubt lead to a full discussion I have no need therefore, at the presen time, to say anything with respect to the measures which my right hon. Friend intends to introduce. In the course of a few days the intentions of Her Majesty's Government will be made known in respect of the measures of legal reform, and of the improvement in the sale or transfer of land which it is the intention of the Government to propose. There are other important measures which will be introduced with respect to Ireland. The House will feel that after the severe distress which Ireland had to undergo a very few years back, and the prolongation of that distress to a very recent period, she is entitled to any measure we can propose which will tend to the greater improvement and industry of that country. It has been already resolved by this House that two Bills relating to the question of landlord and tenant in Ireland should be referred to a Select Committee. I have now to state that it is the intention of the Chief Secretary for Ireland to take his seat in this House in a few days, and that he will propose the nomination of that Committee, placing upon it such Members as have given the most attention to this important subject. We have great hopes by this means of being able to bring forward a measure which may be of use, and which may diminish, if not prevent, future causes of irritation in that country. It is also our intention to bring forward a measure with respect to Ministers' Money. Such are the measures which Her Majesty's Government at the present time intend to introduce. There is one other subject upon which I have no doubt that I am expected to say something, and respecting which I no doubt shall be asked questions; and it is quite as well that I should now declare what is the intention of the Government in regard to it—I allude to the important subject of the amendment of the Representation of the People of this country in Parliament. My noble Friend at the head of the Government has already stated that amendment in the representation of the people formed part of the measures which it had been in his contemplation, as well as in my own, to introduce; and I have now to beg the attention of the House to the few words which I shall say in reference to the present state of that question. In 1849, in 1850, and in 1851, the Cabinet over which I had the honour to preside considered this question; and early in 1852 I obtained leave from the House of Commons to introduce a Bill on the subject. The Government over which I presided, however, shortly afterwards dissolved, and it has been asserted that I then stated that I should introduce a more comprehensive measure than that which I had submitted to Parliament. That statement is utterly unfounded. I never said that I would introduce a measure either more comprehensive or more restricted, or in fact that I would bring in any measure at all. What I did say was, that I was quite ready to reconsider the matter. Now, Sir, the question is, whether it was the duty of the present Government to propose that the various subjects to which I have alluded should be laid aside, and to endeavour to obtain the renewal of the income tax for one year more on its former footing, in order that we might devote our whole time to a measure on the subject of Parliamentary representation. Now, I do not say that it would be impossible in point of time to attend to a measure of this kind, as well as to the others of which I have spoken. It would have required. no doubt, considerable effort in obtaining information, and very continual attention and deliberation on the part of the Government; but, Sir, considering the present state of affairs, and considering the inquiries and deliberations which would have been necessary in order to perfect such a measure, Her Majesty's Government have been of opinion that that subject ought not to be introduced in the present Session of Parliament. In arriving at this conclusion, I think that we have consulted both the public interest and the ultimate success of the measure itself, for I believe that if we had given up all other measures for this purpose, we should neither have well considered what is due to the public welfare nor to public opinion. I believe it would be far better that we should have further information and further deliberation on this important question, and that it would be advantageous to postpone settling it, even for a considerable time, rather than legislate upon it prematurely and without sufficient preparation. It is far more likely that a measure introduced at a future time, with all the information which can be procured on the subject, and with further deliberation, will be such as will settle this important question for a considerable period. At the same time I am far from wishing, and certainly I could not be a party to making the necessity of deliberation or any necessity of inquiry, a pretext for delaying a measure on this subject beyond a certain time. I think, therefore, that immediately upon the commencement of the next Session, the Government ought to introduce a measure upon this important question. There is one thing further I wish to say before I resume my seat, and that is, that we have no intention of appointing a Commission of Inquiry, which I am sure would only be transferring to others the responsibility which ought to be entailed upon ourselves. I do not believe that this is a proper subject for inquiry by a Commission, and I think that the Government have it in their own power to procure all the information that they may require. There is but one thing more to which I have to call the attention of the House; and that is with respect to the comments which I am sorry to be compelled to admit have been too justly made in regard to the acts of bribery and corruption which prevailed at the last election. There are no means of Parliamentary representation, however partial and limited—no defect in the distribution of the franchise, however unjust, which is so destructive of public virtue, or of the credit of our representative system, as these acts of bribery and corruption. We are by Select Committees, with respect to many of these cases of alleged bribery and corruption, investigating the truth of the charges. I think it better, therefore, until those investigations shall have been made, and the Committees shall have reported to the House the extent of the evil, to defer giving an opinion as to whether any further measures may be necessary to check bribery and corruption. I will only say, therefore, without pledging myself to any positive measure, that in my opinion the subject is one of the highest importance, and that if any measure should be considered necessary to cure the evil, no effort shall be wanting on my part to effect it.

MR. HAYTER said, that it might be convenient if he were to state the days upon which some of the Government measures would be brought forward. He therefore, begged to state that to-morrow the Chancellor of the Exchequer would move for leave to bring in a Bill to authorise advances from the Consolidated Fund to discharge money borrowed for Metropolitan Improvements. On Monday, the 14th, the Lord Advocate would move for leave to bring in a Bill to facilitate the procedure in the Sheriffs' Courts in Scotland. On Tuesday, the 15th, the Under Secretary for the Colonies would move for leave to bring in a Bill to enable the Legislature of Canada to make provision concerning the clergy reserves. On Friday, the 18th, the First Lord of the Admiralty would bring forward the Navy Estimates; and on the 22nd instant the President of the Board of Trade would move for leave to bring in a Bill to amend the law relating to Pilotage. On the same day the Secretary for Foreign Affairs would move for a Committee of the whole House to take into consideration the civil disabilities affecting the Jews.

BETTING HOUSES—QUESTION.

SIR JAMES DUKE asked if Her Majesty's Government intended to introduce any measure on the subject of betting houses?

VISCOUNT PALMERSTON replied, that the question to which his hon. Friend alluded was one that required great attention, and he feared that there was a good deal of foundation for the opinion that much evil had been produced by betting houses. At the same time, the subject was involved in very great difficulties, and he confessed that he had not yet satisfied his own mind as to any practicable measure that would accomplish the purpose in view, without going beyond the object which was sought to be attained. But it was a subject to which he was still giving his attention.

THE ECCLESIASTICAL COURTS—QUESTION.

MR. BRIGHT begged to ask the noble Lord the Secretary for Foreign Affairs whether Her Majesty's Government intended to introduce any measures for the reform—or, what would be infinitely better, the abolition—of the Ecclesiastical Courts.

LORD JOHN RUSSELL said, that a Commission had been appointed which had had under its consideration the subject of the Ecclesiastical Courts. It was desirable, before proceeding in the matter, to consider the report of that Commission, but the Government did intend to make a proposal on the subject.

The House adjourned at a quarter after Six o'clock.

HOUSE OF LORDS,

Friday, February 11, 1853.

MINUTES.] *Took the Oaths.*—The Lord Bishop of Chichester.

PUBLIC BILL.—1^a Poor Removal and Local Assessment.

CRIMINAL LAW AMENDMENT BILL—EXPLANATION—TRANSPORTATION.

LORD ST. LEONARDS said, he understood that a noble Lord in another place had stated, that as it was the intention of Her Majesty's Ministers, in accordance with the resolution of the late Government, to put an end to the system of transportation to the Australian Colonies, and at the same time to introduce a measure with respect to secondary punishments in lieu of transportation, it would not be prudent, in his opinion, that he (Lord St. Leonards) should proceed with his Bill to consolidate the present law with regard to secondary offences until the question of transportation had been finally disposed of. Now, it was quite true that his (Lord St. Leonards') Bill, as it stood, referred to transportation; but although he doubted whether transportation could be altogether abolished, yet whenever a substitutionary punishment was enacted in lieu of general transportation, the new Act which he proposed simply declared that the new punishment should stand in the place of the old. He believed that the noble Lord, if he heard this explanation, would be quite satisfied with it.

Lord CAMPBELL hoped, that before the Bill of his noble and learned Friend came into operation, the question of secondary punishments would be finally settled; and he would also take that opportunity of expressing a hope that the Government would not abolish the punishment of transportation; as, from his experience as a Judge, he was inclined to believe that for the punishment and reformation of convicts it was the best that had ever been devised, and that it was one which conduced more than any other kind of secondary punishment to the security of the public. With respect to the question of forcing convicts upon unwilling colonists, he would give no opinion; but he hoped the Government would be able to retain the punishment of transportation to some penal settlement, without doing injury to any one.

POST OFFICE APPOINTMENTS.

The Marquess of CLANRICARDE moved for a return of all appointments of Presidents of Money Order Offices in London, Dublin, and Edinburgh, since the money-order system became officially connected with the Post Office; specifying the previous service in the Post Office or other public department of each person who had received such an appointment; also, copies of the correspondence between the Post Office and the Treasury in 1851 relating to the appointment of an assistant secretary to the Postmaster General; and also, copy of the appointment of Mr. Frederick Hill to the situation he held in the General Post Office. A few months ago a vacancy occurred in the office of president of the money-order department of the Dublin Post Office, and the noble Lord opposite (the Earl of Hardwicke) filled up the vacancy by appointing a gentleman (Mr. Joseph Long) who had had no previous connexion with the Post Office, or any other public department whatever. As the amount which passed through that office was no less than 1,374,000*l.*, and comprised 924,352 money orders, their Lordships would see that such matters of detail required previous experience and knowledge; and that, however respectable and intelligent a man might be, a mere stranger could not be expected effectually to check and control twenty-five or twenty-six clerks. Besides, the appointment inflicted a hardship on those who, having previously served in the office, naturally looked forward to promotion in it; and this matter was the more serious, because, as their Lordships had heard, clerks in the Post Office, and in the money-order department particularly, were inadequately paid for their services. He understood that Mr. Joseph Long owed his appointment to his having been a very active registration agent on the Conservative side, and by promoting such a person in the Post Office the hardship inflicted was certainly greater than would have been felt in any other department, because persons connected with the Post Office were not allowed to interfere in elections; and therefore this gentleman had been rewarded for services which clerks belonging to the department were forbidden to render. This appointment had been defended upon the ground that a similar appointment had been made by Lord Lichfield in 1841, and by himself in 1851. Now, even if Lord Lichfield set a bad precedent, which he denied, that was no reason why the noble Earl opposite should follow it. With respect to the appointment of Mr. Frederick Hill, the facts were these: In 1847 the accounts of the money-order department were in a most confused state, and he thought it desirable to appoint Mr. Rowland Hill, as secretary, to endeavour to bring them into some order. The Money Order Office was placed under the exclusive control of Mr. Rowland Hill, instead of being left under the general superintendence of Colonel Maberly, and Mr. Rowland Hill having succeeded in arranging the accounts, said he had been much indebted to his brother, Mr. Frederick Hill, for the assistance he had rendered, upon which he (the Marquess of Clanricarde) appointed Mr. Frederick Hill assistant secretary, to take Mr. Rowland Hill's place whenever Mr. Rowland Hill was absent from the office. That appointment did not alter one jot the duties of the President of the Money Order Office, and was not an appointment of a person wholly unconnected with the public service, as Mr. Frederick Hill had been for fifteen years inspector of prisons, at the same salary he received as assistant secretary to the money-order department.

The EARL of HARDWICKE said, he concurred in the principle laid down by the noble Marquess, that the expectation of promotion ought to be held out to persons engaged in the public service, and he thought that considerable inconvenience arose from the want of a regular system of gradual promotion for length of service throughout the whole Post Office establishment. At present there were two descriptions of appointments—one, in which the officers rose by gradation, and were subject to no interference with their prospects; and the other, in which the officers were appointed by the Postmaster General to offices which were supposed to be within his patronage. The appointment which he had filled up in the Dublin Post Office, and which had been called in question, was one of the latter class, and the gentleman appointed bore the highest character, and was perfectly competent to conduct financial matters, having for many years filled the office of accountant to the corporation of Dublin. The strongest recommendations were brought to him from men of rank and station, and he had every reason to believe the appointment would prove satisfactory. There was no precedent in the Dublin Post Office which he could follow in the appointment of a successor to the late President of the Money Order Department, as that gentleman was the first who held that office; but on examination he found a precedent in the appointment by Lord Lichfield to the same office in the London Post Office of a person who had not been previously a clerk in the Post Office. The case of Mr. Frederick Hill, brother of Mr. Rowland Hill, who had been appointed to the office, nominally, of assistant secretary to the Postmaster General, but really to that of supervising President of the Money Order Office in London, was a proof that previous connexión with the Post Office was not essential to these appointments, for that gentleman had been neither a clerk in the Post Office, nor connected with the Money Order Office, but had been, it appeared, an inspector of prisons. He thought that quite sufficient to justify the appointment he had made.

VISCOUNT CANNING concurred in every word that had fallen from the noble Marquess on the duty of the Postmaster General, to see that none of the numerous clerks in the public service were overlooked in case of advancement and promotion. That was a general rule applicable to all the departments of the public service, but pre-eminently applicable to the Post Office, from the circumstance that the number of subordinate compared with the number of superior officers, was extremely large; the salaries were not high, the increase in salaries was by slow degrees, and a great majority had nothing to look forward to but appointments to superior offices. The noble Earl had said there were two classes of officers, one in which promotion was obtained by seniority, and the other in which it was given by patronage. No doubt the advancement of some of the clerks was certain, provided they conducted themselves with propriety; and other offices did exist to which the Postmaster General was at liberty to appoint whom he pleased. But in defending the appointment in question on that ground, he thought the noble Earl did some injustice to himself; because, though it was no part of his duty to investigate the nature or reasons for the appointments of his predecessor in conducting the public business of the office which he held, it had come under his notice that in the distribution of these latter or more favoured appointments, the noble Earl had been uniformly guided by a regard for the efficiency of the public service, and the claims of meritorious public officers. He had no objection to lay the papers moved for on the table of their Lordships' House.

Motion *agreed to.*

THE SIX-MILE BRIDGE OUTRAGE.

The EARL of CARDIGAN rose to ask the noble Earl opposite the question of which he had given notice. That question had reference to the prosecution which it was understood was about to be conducted by the law officers of the Crown in Ireland against certain soldiers for their conduct at Six-Mile Bridge. He hoped he should be acting in accordance with the rules of the House in making one or two observations before he put his question. Their Lordships were aware that the services of the Army were various and manifold, and by no means the most painful and dangerous of those servives was what they had to perform when in action. There were other services, not purely military, which were not unaccompanied with danger, but which at the same time were most onerous and disagreeable. There was one duty which was always considered to be of a most painful character, that of being called upon to act against their own countrymen in times of public disturbance. There was another duty, which was a peculiar duty—for it was confined to the time of a general election in Ireland. The same duty was unknown in this country—for so far from the military being called upon to act at general elections in England, they were sent to distant parts in order to be quite out of the way of the proceedings; but in Ireland the Army was employed on all occasions of a general election, for the purpose of protecting voters and preserving the public peace. In his humble opinion it was very doubtful whether this kind of duty ought to be allotted to the Army under any circumstances. At the same time, he was quite aware that, owing to the condition of the sister kingdom, it would be difficult to know how a general election could be got through without disturbance, unless the aid of the military was obtained, or unless some other than present arrangements were established. But he would say, that if Government did employ Her Majesty's troops in services of this irksome and dangerous nature, where there was neither credit nor honour to be gained, and where the duty required was of a most painful character—if Government did employ troops, and by that means brought them into collision with the people at a general election, and if those troops, in defence of their own lives, protected themselves in the only effectual way by taking the lives of their assailants, Government was bound to support those troops in the discharge of that duty. But what was about to be done in the case of the soldiers employed at the late Clare election? There was not the slightest doubt that the people were urged to rage and violence by certain Roman Catholic priests. The people made a most violent attack on the soldiers who were engaged in protecting a body of the electors. Those soldiers' lives were exposed to great danger—they defended themselves, and it had been laid down by the greatest lawyers, that when troops under arms were attacked they had a right to employ those arms for their own defence. Such being the case, they were told and understood—by the public—and the report had not been contradicted—that not only were the Crown laywers going to prosecute the soldiers for defending their lives, but that Government had sent down parties specially to conduct the prosecution. This made the affair all the more strange. He should like to ask the Government if these Crown lawyers were to prosecute the soldiers for defending their own lives against a furious populace, urged on to violence by their priests, who were to defend the soldiers? Who were to pay for counsel to contend with the Crown lawyers? Were Government going to employ the Crown lawyers? Or, if not, were Government going to furnish money for the defence of the soldiers? The position of matters presented a most extraordinary anomaly. He doubted whether the doctrine would be satisfactory to the Army, or that soldiers could be made to believe it was justice—if they did their duty, and thereby became liable to prosecution, that, instead of being attended by all the legal talent at the command of Government, all this legal talent was to be employed against them. They had heard a great deal about the necessity for educating the Army—that if soldiers were educated, instead of being rough men and good soldiers, they would become more intelligent and refined. He did not dispute that it would be of advantage that soldiers should know how to read and write, but he hardly thought more was wanted. But could any amount of education which a soldier could receive teach him that such treatment as the soldiers engaged in the Clare election had received was right and just? He would take the liberty of telling their Lordships it was utterly impossible such a system could be good or beneficial. He was also informed Government were going to adopt quite a different course in this affair, to that course which the previous Government adopted. He should therefore be glad to be informed whether it was the fact that these soldiers were going to be prosecuted by Government and the Crown lawyers; and if so prosecuted by the Crown lawyers, how the expenses to enable them to defend themselves were to be paid? Further, he had been credibly informed in this country and in the sister kingdom, that, instead of the intentions of the late Government being carried out by the prosecution of the priests who had excited the people to violence, it was the determination of the present Government not to prosecute. He should therefore be glad to hear what the intentions of Government were in both respects.

The EARL of ABERDEEN: Nothing can be more natural than the interest which the noble Earl feels in the fate of those persons whose case he has brought to your Lordships' attention. I am sure the House must respond to those feelings; and certainly no one can be more sensible than I am of the great pains and forbearance displayed by Her Majesty's troops when employed in the most irksome and most painful service they have to perform, in assisting in the preservation of the public peace. But, my Lords, the noble Earl's inquiry is somewhat premature. Only this day I received intimation from the Lord Lieutenant that the matter is under the consideration of the Irish Government, and that no steps whatever have yet been decided on. Your Lordships will, perhaps recollect, that on the verdict of the coroner's inquest on the murdered men, the learned Gentleman who lately filled the office of Attorney General in Ireland (Mr. Napier) brought the case before the Court of Queen's Bench in Dublin, and endeavoured to procure a decision which should quash the verdict of the coroner's jury. After fully considering the matter, the Court came to a unanimous decision that there were no grounds for that proceeding. In doing so, I make no doubt they were perfectly right; and I understand the Court expressed an opinion that it could only set aside the verdict upon some informality or technicality on the face of the proceedings. That not being the case, the verdict was allowed to stand undisturbed. If the case were so clear as the noble Earl represents it—and I am not disposed to doubt it, for from every account I have received of the transaction the manner in which he describes it is perfectly correct—but if the case were so, why did not the learned Gentleman, the law officer under the late Government, enter at once a *nolle prosequi?* He might thus have stopped the proceedings at the instant. The present Attorney General may still do so, for I am not prepared to say what course the Irish Government may determine on taking. As to the prosecution having been undertaken by the law officers of the Crown, that is a matter of course in Ireland; but the Attorney General may at any stage of the proceedings, by interfering on behalf of the Crown, stop the further progress of the trial. I am sure I do not know whether it will be considered right to proceed at all; but if it should, and if the case should be sent for trial, the grand jury may ignore the bill, and if so, that would be an additional reason for the Attorney General exercising the power to stop further proceedings. I am really unable to give any answer to the noble Earl as to the course intended to be pursued by the Irish Government, because it is only to-day, as I have said, that I heard from my noble Friend at the head of the Irish Government (the Earl of St. Germans) that the matter is still under consideration, and that no decision has been come to on the subject.

The EARL of HARDWICKE: I am sure the noble Earl used a word which he did not intend when he spoke of the people that were shot as being "murdered men."

The EARL of ABERDEEN: Oh, I only meant they were killed.

The EARL of DERBY: I presume the noble Earl intends the same answer to apply to the other question which was put to him by my noble Friend with regard to the prosecution of the priests, who certainly, according to the published accounts, appear to have taken an active part in the riot.

The EARL of ABERDEEN: The noble Earl has anticipated the answer I was about to give. That question is also under the same consideration as the other.

House adjourned to *Monday* next.

HOUSE OF COMMONS,

Friday, February 11, 1853.

MINUTES.] NEW MEMBER SWORN.—For Leith Burgh, James Moncreiff, esq.
PUBLIC BILL.—2° Transfer of Aids.

RELIGIOUS INTOLERANCE IN SPAIN.

SIR ROBERT H. INGLIS said, he would take that opportunity of putting to his noble Friend the Secretary for Foreign Affairs (Lord John Russell) the question of which he had given notice, with respect to a decree which had been issued by the Spanish Government on the 17th of November last, by which it was provided that foreigners, either domiciliated in Spain, or travelling through that country, should profess no other religion there except the "Catholic Apostolic and Roman," or, in other words, except the religion of the Church of Rome. If that decree had related to the subjects of Spain only, he should be ready to admit that it was not a fair subject for discussion in that House. He could not deny that, whether the King of Dahomey, for instance, had an army of men or of women, and whether he might put 6,000 of them to death at one moment—although they were matters which, as Christians, they might deplore, and, as men of ordinary humanity, they might wish to see altered—yet they would not justify a war on the part of this country for the purpose of obtaining a violent suppression of such barbarities. But when a decree had been passed which would apply to any Member of that House travelling in Spain, as much as to the subjects of the Queen of Spain, he thought it was due, not merely to their common character as Protestants or as men, but as interested in the general intercourse of social life throughout Europe, that such an interdiction should not be applied in one of the great continental nations in the year 1852 to any Englishman professing what he believed to be the true religion. Let it be recollected that that was not an interdiction to hold public meetings or to preach in the streets: there were municipal laws in England itself which prevented any person, without a licence, from preaching or opening a conventicle. With that he had nothing to do; but he would read to them the language of the decree to which he was referring, and then he would ask them whether it did not distinctly prohibit the profession of any religion in Spain, whether by native or by foreigner, except the religion of the Church of Rome. He held in his hand the *Gazette* of Madrid of the 25th of November last, which contained the decree bearing date the 17th of November. He was then referring particularly to the 25th article of the 3rd chapter, which stated, in reference to the civil condition of strangers domiciliated or travelling in Spain, that "No such strangers shall profess in Spain any other religion than the Catholic Apostolic Roman." Now, he asked his noble Friend at the head of the Foreign Office, whether it was consistent with their duty as Members of that House, or with his duty while he had the control of the intercourse between his Sovereign and Foreign Powers, to permit such a decree to pass by unnoticed in Parliament, or without any representation to the Government by which it had been issued? When he had first called the attention of the House to that subject, the case had been considered utterly unreasonable and incredible; but his noble Friend (Lord Stanley), at that time the Under Secretary for Foreign Affairs, had told him that although he could not believe the statement, he would write to Spain to inquire about it. The evidence upon which he (Sir R. H. Inglis) had first asked the attention of his noble Friend to the case, had been to himself so conclusive that it had left no doubt upon his mind. His noble Friend had written to Spain according to his promise, and he (Sir R. H. Inglis) understood that the noble Lord at present at the head of the Foreign Office had since received some information upon the subject. He wished distinctly to ask him whether any such information had recently reached him; and whether, if it had, it was his intention to lay it before the House; and further, whether he had, in the name of the Queen of this Protestant country, taken any means to prevent the probable wrong which such a decree was calculated to inflict upon Her Majesty's Protestant subjects? Let him not be told that that was a mere paper decree. It might not be for the moment convenient for the Court of Spain to put in force such a decree against the subjects of such an ally as the Queen of England; but if it were to remain unrepealed, he would venture to say that the time might not be very distant when the Government of Spain might think it desirable to carry it into effect, and to seize a Protestant traveller in Spain, not because he was preaching in the street, or opening a conventicle contrary to law, but because he was assembling his own family for Protestant worship. In conclusion, he had to ask his noble Friend the Secretary for Foreign Affairs whether he could lay before them any information upon the subject?

MR. M. MILNES said, that, before his noble Friend answered that question, he wished to ask another question which had an incidental relation to this subject. It had been stated not long ago by our Foreign Minister at the time, that, after sundry negociations with the Spanish Government, permission had been given at last to open a Protestant burial-ground near the city of Madrid. But he (Mr. M. Milnes) had reason to believe that that permission had been limited by a provision to the effect that no religious ceremony whatever should be performed over the grave of the person interred in such ground. Now, it appeared to him that this condition was altogether derogatory to the position of this Protestant country; and he would ask his noble Friend whether, if that provision still continued in force, he would be prepared to instruct the British Minister at Madrid to reopen that question, with a view to procure the removal of that disgraceful prohibition?

Lord JOHN RUSSELL said, that, with respect to the question of his hon. Friend the Member for the University of Oxford, he had to state that it was certainly quite true that by the 25th article of the law to which he had referred, it was declared that no foreigner could profess in Spain any other religion than the "Catholic Apostolic Roman" religion. The noble Lord who preceded him at the Foreign Office had asked for an explanation of that decree; and he held in his hand the answer which Lord Howden had given to the despatch in which that explanation had been demanded. Lord Howden, after stating that he understood the question to be, whether it was intended by the decree to deprive foreigners, whether domiciliated or travelling in Spain, of any right or privilege, in regard to matters of religion, which they had previously been permitted to enjoy, said that he had put that question verbally to the Spanish Minister of Foreign Affairs, and that the answer he had received was, that "the contents of the said article did not in the slightest degree change the practice hitherto observed, nor could any alteration be introduced thereby in what had previously obtained with regard to the point to which the said article had referred." There were one or two more despatches relating to the subject, but that was the information given upon the point to which his hon. Friend had specially referred. If his hon. Friend wished that the despatches upon the subject should be laid before the House, he (Lord J. Russell) could have no objection to comply with that wish. With regard to the question which had been put by his hon. Friend the Member for Pontefract relative to a Protestant burial-ground at Madrid, he had to state that some correspondence had lately taken place upon that subject. A spot of ground had been offered for a Protestant cemetery by the Spanish Government, but there were some objections made to that particular spot. There had, however, been no question, he believed, lately with reference to the performance of religious ceremonies at the interments of Protestants. He had not been aware that a question would have been put to him upon that subject; but he should say he thought there was no correspondence which could be laid before the House with respect to it. He believed that no objection had been made by the Spanish Government upon the point, except an objection to the erection of a chapel.

Sir ROBERT H. INGLIS thanked the noble Lord the Secretary for Foreign Affairs for his promise to produce the papers for which he had asked, and trusted that they would be laid on the table at as early a period as possible.

EMIGRATION TO AUSTRALIA.

Mr. HILDYARD wished to put a question with reference to the very distressing mortality which, according to the accounts recently received, had taken place on board four vessels chartered by the Emigration Commissioners to convey emigrants from Liverpool to Melbourne. In one of those vessels, which made an unusually favourable passage in point of time, the voyage having occupied only sixty-four days, no less than 104 persons perished, and the remainder on reaching Melbourne were in a state of great prostration from sickness. The question which he wished to ask was, whether the Government had caused inquiry to be made into the mortality which, according to the recent accounts from Australia, took place on board four vessels chartered by the Emigration Commissioners to convey emigrants between ports of Liverpool and Melbourne?

Mr. FREDERICK PEEL said, the Government had received an account of the great mortality which had occurred on board the vessels to which the hon. and learned Gentleman had alluded. He believed that upwards of 104 deaths had occurred on board one vessel, and that on her arrival in the harbour at Melbourne no less than 300 persons were labouring under sickness arising from one cause or another. No doubt a great mortality had occurred on board all the four vessels. They were vessels of unusual size, and carried more than the ordinary number of passengers, having two decks prepared for their accommodation. Up to that time it had never been the practice of the Emigration Board to put passengers on board vessels with more than a single deck; but the state of the shipping interest at the period the vessels were taken up rendered the engagement entered into unavoidable. He understood when the vessels were engaged by the Emigration Commissioners, that no other vessels were tendered for that purpose. On board the three other vessels he found, from the information which had been received, that no less than 175 deaths had occurred; but of that number 163 were the deaths of children—an unusual number of children in proportion to the number of adults having been sent out by these vessels. That arose from the relaxation of the regulation of the Emigration Commissioners, made in compliance with the urgent representations of parties connected with the colony, and interested in agricultural and other pursuits. But immediately on the receipt of the information by the Emigration Commissioners of this deplorable loss of life, they issued instructions that for the future no vessels with more than a single deck should be engaged by their agents; and they had refused to take out at the expense of the colony families having more than two children under seven years of age, or three under ten years of age. He believed these regulations would prevent the recurrence of such deplorable events for the future. The communication which had been received from Melbourne had been referred to the Emigration Board, with directions to report thereon. That report had been received, and there would be no objection to lay all the papers connected with the subject on the table of the House.

METROPOLITAN BURIAL GROUNDS.

LORD DUDLEY STUART wished to call the attention of the noble Lord the Secretary for the Home Department (Viscount Palmerston) to the disgraceful state of the graveyards in the metropolis—a state which was most shameful, and most injurious to the public health, and which rendered the largest thoroughfares dangerous. He wished now to refer more particularly to that of St. Clement Danes, in the Strand. Great complaints had been made of the state of that churchyard, and many persons had been attacked by serious diseases in consequence of passing along that part of the Strand. One gentleman, who happened to be passing at the time of a funeral, was struck with a most virulent disease, which assumed an appearance very like the plague, swellings having arisen under each arm, and he remained for a considerable time in a state of great danger. Many medical men of eminence considered it dangerous for persons to pass along the streets, and were of opinion that many deaths had taken place from that cause. He had been assured by one medical man that putrid flesh and blood had sometimes been thrown up by the gravedigger when exercising his functions in that churchyard. He wished to ask his noble Friend whether the attention of the Government had been drawn to this matter, and whether the noble Lord would not exercise the authority given him by the Act of Parliament, in order to put a stop to the practices to which he had referred?

VISCOUNT PALMERSTON said, the particular case to which the noble Lord had alluded, was brought under his notice a few days ago, by a deputation from the parish to which that graveyard belonged; and the result was, that a meeting of the vestry was held, and an application was made to him for an Order in Council to shut up that graveyard, and that Order would as soon as possible be passed. He considered the state of the graveyards in this metropolis, generally speaking, a disgrace to a civilised community, and he trusted that the authorities of the parishes with whom it rested to take steps to correct so dreadful an evil, would not be deterred by any consideration of local expense from taking those precautions which would have the effect of removing from the metropolis a source of pestilence which might be attended with the most disastrous results, should it be the will of Providence that any outbreak of the cholera, which was raging in some parts of the Continent, should occur in the metropolis. He could assure the House that the attention of the Government would be anxiously directed to the subject to which the noble Lord had drawn their attention.

MR. SADLEIR'S SPEECH AT CARLOW.

MR. SPOONER wished to ask the noble Lord the Secretary for Foreign Affairs (Lord John Russell) a question of which he had given notice. In a printed paper, purporting to be a report of a speech delivered by Mr. Sadleir, one of the Lords of the Treasury, at the recent election for Carlow, it was stated that "the noble Lord had proffered a political refutation of the course which he had taken with respect to the Ecclesiastical Titles Bill, which that distinguished nobleman had had the manliness to proffer." He wished to ask whether the noble Lord had proffered such a refutation of the principles of the Ecclesiastical Titles Bill? On the same authority, Mr. Sadleir was likewise reported to have said that "the principle of the Ecclesiastical Titles Bill had been deliberately and openly abandoned." He wished to ask the noble Lord whether that statement was correct—whether that principle had been abandoned? And he should also be glad if the noble Lord would kindly state whether he still retained the opinion that the aggression of the Pope, which induced the Government to bring forward the Ecclesiastical Titles Bill, was "insolent and insidious," and fully justified that measure.

Lord JOHN RUSSELL said, that on reading the report in the newspapers, he did not consider it necessary to ask Mr. Sadleir for any explanation, thinking that a statement so obviously incorrect could not have been made by that Gentleman. However, Mr. Sadleir had yesterday voluntarily informed him that the report was entirely inaccurate, and that certain words had been attributed to him by the Tory journals which he had never used. Mr. Sadleir went on to state that what he did say was in effect that the composition of the Government gave the Irish people a guarantee that the Ecclesiastical Titles Bill would not be made use of to infringe the religious liberties of the Roman Catholic people—that the acceptance of office by Lord John Russell, in conjunction with those who had opposed the principle of the Ecclesiastical Titles Act, ought to be regarded as a refutation of a false charge that he would use the Act to the injury of the Catholics of the United Kingdom. This was the statement of what Mr. Sadleir did say, and it was a statement of which he (Lord John Russell) had no reason to complain. He ought, however, to say that it was never intended, nor would it have been permitted, while Lord Clarendon was Lord Lieutenant of Ireland, and Sir George Grey was Home Secretary, and he and his Colleagues in the Cabinet held office, that the Ecclesiastical Titles Bill should have been used against the religious liberties of the Roman Catholics. The hon. Gentleman went on to ask whether he still thought that the aggression of the Pope, which induced him to bring forward the Ecclesiastical Titles Bill, was "insolent and insidious," and fully justified the introduction of that measure? He certainly thought the hon. Gentleman had taken a very considerable latitude in his inquiries, when he proposed a question with respect to his thoughts. But as the hon. Gentleman was so curious on the subject, he would take the opportunity of stating that he still thought the same as he did two years ago.

THE MADIAI.

Mr. KINNAIRD wished to know whether the attention of the Government had been drawn to a statement made by Mr. Everett, expressive of the sympathy of the United States with the Madiai, and also stating that a vessel should be provided to convey them to that country. If the noble Lord was in possession of such a document, he wished to know whether it would be laid on the table, together with any papers or extracts of correspondence relating to the case of the Madiai.

Lord JOHN RUSSELL was unable to answer the first question without referring to the documents in the Foreign Office; but had no objection to lay on the table the extracts of correspondence referred to by the hon. Member.

THE CAPE.

Mr. ADDERLEY wished to know whether the obstacles which had arisen with regard to the completion of the constitution of the Cape of Good Hope—those relating to the franchise and the separation of the two Provinces—had been removed, and whether there was any prospect of the speedy completion of that constitution according to the letters patent of 1850? Also, whether the Government had any intention of forming a convict settlement in any part of South Africa? And whether the movement of the troops upon the territory of the Basuter was likely to lead to a prolongation of hostilities, or promised a speedy and permanent establishment of the British authority over the Orange River Sovereignty?

Mr. FREDERICK PEEL, with reference to the first question, said that the nature of the franchise, and all the other details to be decided upon before the introduction of a new form of legislature, were at present under the consideration of the Government, and he had reason to believe that the matter was now in such a state of forwardness that it would admit of the constitutional ordinance being sent out to the colony by the mail of next month. It answer to the second question, he had to state that the Government had no intention of establishing a convict settlement in any part of South Africa. With regard to the third question, General Cathcart had advanced with a body of 2,000 troops to the

Orange River territory, but there was no indication that the presence of the troops was likely to lead to a hostile collision; and he had not gone into that Sovereignty in pursuance of any decision of the Government of this country in connexion with the Sovereignty of that part of South Africa.

AMBASSADOR AT CONSTANTINOPLE.

LORD **DUDLEY STUART** wished to ask the noble Lord the Secretary for Foreign Affairs (Lord John Russell) whether, in the present state of Turkey, he intended any longer to leave this country unrepresented at Constantinople, or whether he intended to send out Lord Stratford, or some other individual?

LORD **JOHN RUSSELL** replied that he had seen Lord Stratford de Redcliffe that day on the subject, that he had had several previous communications with the noble Lord on the affairs in Turkey, and that it was now arranged that he should go out almost immediately to resume his functions as British Ambassador at the Porte.

House adjourned at Six o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 14, 1853.

MINUTES.] *Took the Oaths.*—The Lord Northwick.

PUBLIC BILLS.—1ª Registration of Assurances.

LAW REFORM—REGISTRATION OF ASSURANCES BILL.

The **LORD CHANCELLOR**: My Lords, I rise, pursuant to the notice which I gave on the first day of the reassembling of Parliament, to state to your Lordships, and through your Lordships to the country, the intentions of Her Majesty's Government on the subject of legal reform. When I first became connected with the profession of the law, my Lords, now more than thirty-five years ago, that subject was one which certainly without the walls of Parliament, and to a great extent I may also say within those walls, received little attention, and scarcely excited any public interest. Mr. Jeremy Bentham, indeed, in his amusing, epigrammatic, and often very well-reasoned writings, strove to awaken public attention to the importance of the question. In the other House of Parliament, also, an individual whose name, long connected with this subject, can never be mentioned but with respect, I mean Sir Samuel Romilly, along with my noble and learned Friend who formerly filled the woolsack, but who is not now present—Lord Brougham—from time to time brought this important subject under consideration. After the death of Sir Samuel Romilly, Lord Brougham still continued to keep the subject alive, but its importance was hardly adequately appreciated by the public. I need not say, my Lords, how different is the state of things at the present day. This subject now, so far from failing to arrest public attention, may fairly be said to be one which—putting more exciting topics aside—engrosses more than any other the thoughts and attention of a large mass of the community. All people desire, and most reasonably desire, to have the laws put upon such a footing that our rights shall be clearly and well defined, and that the mode of enforcing them shall be rendered as simple, as cheap, and as expeditious as the ingenuity of those who direct their attention to the subject can make them. My Lords, turning back my recollection again to the period when I first became at all acquainted with the law, I think I may say that the distinguished lawyer who then filled the woolsack, Lord Eldon, as well as the distinguished men who preceded him, scarcely seemed to have considered that the introducing and maturing measures of legal reform constituted any very distinct or essential branch of the duties which devolved upon them. Practically, at least, they so conducted themselves as if they had no such duties. Very few measures on the subject originated with them, and it was rather thought to be their duty to watch against the introduction of hasty and ill-considered measures by others than to introduce any on the part of the servants of the Crown. The state of things, however, has been very materially altered in modern times, and no one filling the office I have now the honour of occupying, can fail to feel that to him the country looks, if not for the introduction of measures of reform, at least for a general supervision of the whole legal system, to introduce measures where new measures may be necessary, to resist proposals which the Government may think ill-conceived; in short, to exercise a general control over the legal condition of the country, in order to keep it in the most satisfactory state which the nature of things will permit. My Lords, with these feelings, immediately after I had the honour of receiving the

Great Seal from Her Majesty, I thought it my duty, without hesitation and without delay, to direct my attention to the existing state of the legal courts—the great courts—of this country. I considered it my duty to direct my attention, in the first place, to those courts, to see whether they were or were not in a satisfactory state—whether there were any measures which I could usefully introduce, or whether it was fitting that I should pause before taking any step on the subject. I felt, my Lords, that there might possibly now be a danger the opposite of that into which I think those who held the Great Seal half a century ago had been too apt to fall—that there might now be a danger lest, from the strong and prevalent feeling of the country that the law requires reform, and that reforms ought to be considered, those who have the supervision of such matters might—in order to seem at least to be doing what the public requires of them—be led to bring forward measures for the mere sake of introducing them, without being perfectly satisfied that such a course would be in the end beneficial. There might be, in short, a little danger lest the holder of the Great Seal should fall into a course something like that occasionally pursued by inferior medical practitioners, who, in order to appear to have earned their fee, prescribe for their patients doses of physic, when the best thing would have been probably to let them alone. With these views, I directed my attention to the state of the great tribunals of the country; and first, my Lords, to those courts which, after all, are the most important—the great courts of common law, in which the ordinary rights of mankind are enforced and protected. I wished to consider in what position those courts stood, and whether I ought in any way to interfere with them by attempted legislation. On this subject—not to attempt to weary or trouble your Lordships by going back into what the state of these courts was in bygone times—I need not remind you that a very general feeling existed a few years since, that the mode of administering justice in the common law courts of the country was attended with unnecessary technicality, with fictions, and with other impediments to the simple administration of the law. With the view of remedying these evils, Lord Cottenham, only a few weeks before he resigned the Great Seal, issued a Commission to inquire into the process, practice, and pleadings in the superior courts of common law, the manner of conducting suits and other proceedings in such courts, and the costs and charges incident thereto; the practice in Judges' chambers, and the salaries, fees, and emoluments of the clerks and other persons connected with the courts. That Commission included many eminent lawyers, among whom were Mr. Baron Martin, then at the bar, and the then Attorney General, and they were assisted by several other distinguished lawyers. It is, indeed, impossible to do justice to the labours which those gentlemen undertook and executed. They looked through the whole course of proceeding in the ordinary courts of law, beginning at the commencement of a suit, and tracing it from the first step the party aggrieved, or supposing himself aggrieved, is obliged to take, to its final termination, when the plaintiff, if successful, obtains redress by execution against the party who has aggrieved him. The Commissioners made their report on the 30th of June, 1851, and it was received by my noble Friend then on the woolsack. The end of the Session was nearly approaching, and of course nothing could be done in that Session of Parliament; but my noble Friend, with the persevering zeal which all who know him are well aware that he possesses, devoted himself during the long vacation to the framing of a Bill, which was prepared under his superintendence, for carrying into execution the recommendations of the Commissioners, and which was laid on the table on the second day of the Session of 1852. Soon afterwards, my Lords, a change of Government occurred, but this change had no effect with reference to the Bill to which I am alluding. The Bill was referred to a Select Committee, and as it was there thought the best mode of dealing with the subject was, that certain persons who took an interest in the question should consider it out of the walls of this House, my noble Friend Lord Lyndhurst, the Lord Chief Justice of the Queen's Bench, Mr. Baron Parke, and several others, with myself, took the Bill, and went through it clause by clause, in order to render it as efficient as we could. We did so; the Bill came back; it passed your Lordships' House; it went down to the other House of Parliament, where it was also passed, and received the Royal assent on the 30th of June last year, singularly enough, exactly twelve months from the day on which the Commissioners made their report. That, therefore, my Lords, is the state in which I found the courts of common law. A Bill introduced in the mode and under the circumstances I have mentioned, received the Royal assent, and became the governing principle of those courts on the first day of last Michaelmas term. It has been often supposed that practitioners of the law and the Judges have a prejudice against anything like change and innovation. I will not stop to inquire how far that notion is or is not well founded; but, if it be well founded, I must say that those persons have borne most ample testimony to the merits of this measure; for, having conversed with many of the Judges of the courts, and with a great many practitioners, I have found one universal expression of their satisfaction at the change which has taken place, and a conviction, on the part of all concerned, that it has been eminently beneficial. My Lords, this being the state of things, I felt satisfied that it would be quite improper for me to attempt to do anything in that direction in the shape of reform. But, in order that your Lordships may see the grounds of the opinion I have formed, I may state the result of inquiries which have been made with regard to the working of the present law, as contrasted with that which preceded it. I need hardly state that the great object of the new Act was to get rid of those unnecessary forms, which made proceedings unintelligible, and, of course, expensive. Among other forms which existed was this, that almost every step that was taken (or, at least, a great many steps) in the proceedings of courts of common law, was preceded by getting what was called a rule of the court, an order of the court. The expense of a rule in the shape of a fee, was extremely small; but, as far as it went, the Commissioners were of opinion that it was quite an unnecessary expense. A great number of the rules were consequently abolished. Indeed, I have a return which shows that rules which, in 1851, amounted in the three courts to no less than 34,900, have been abolished. The cost of these rules, with regard to fees, was, as I have said, very small, not averaging more than 3*s.* each; and the whole cost of the fees upon the rules I have mentioned was only between 3,000*l.* and 4,000*l.* But I need not tell your Lordships that the cost of the fee forms a very small portion of the expense of any proceedings to a suitor. The suitor conducts his case by his attorney, and the obtaining of the rule, the serving of the rule, and the proceedings upon it, lead to an expense which makes the fee sink into entire insignificance. I obtained, however, from Mr. Walton, who has done himself infinite credit in the course of the inquiry of the Commissioners, another return, to which I will call your Lordships' attention. I said to that gentleman, "Do not merely confine yourselves to the fees abolished. Show me upon some one proceeding what is the cost of the whole proceedings under the old system, and what is the cost now." Mr. Walton instanced the case of a party proceeding to recover a debt where the person proceeded against does not mean to offer any defence, but says, in vulgar language, "Do your best and your worst," and leaves his creditor to obtain judgment and get his money as he can. In 1851 there were 1,998 of such proceedings, and I got Mr. Walton to ascertain what was the cost of the proceedings in each case under the present and under the old system. He tells me that under the present system it is impossible to state the costs quite accurately, because they vary to some extent, according to the amount sued for, but that upon the highest average it would be 4*l.* I then asked Mr. Walton to take at hazard ten bills of costs for similar proceedings under the old system, and the costs upon those ten cases were 154*l.*, being an average of 15*l.* in each case. It appears, therefore, that the new system effects a saving of 11*l.* out of 15*l.* in proceedings of this nature, and I cannot conceive anything more satisfactory as indicating the great advantages gained by bringing the Act into operation. Mr. Walton, however, made further inquiries as to another ordinary proceeding—a *distringas*, a most cumbrous and clumsy means of forcing into court a party who will not attend to notices served upon him, and it appears that in this instance also the advantages of the new system are most apparent. This, however, is not all. Under the old law if a debtor was abroad there were very great difficulties in proceeding against him, which could only be done by the process called outlawry. The new Act, however, remedied the defects of the old law, and that it has worked beneficially is shown, I think, by the fact that since the measure has been in operation—from the commencement of November last to within a fortnight—114 writs have been issued against parties abroad, whose creditors may be enabled to recover what is their due. There is, however, another mode in which we may see that the new system works very satisfactorily. The number of suits, litigated and not litigated, is between 60,000 and 80,000 in the course of a year, and therefore questions must arise from time to time as to the working of any code of practice, however well matured; but it is a matter of astonishment to me to hear that there have been only twelve motions in all the three courts with reference to proceedings under the recent Act, and, out of those twelve, I believe that ten were not upon proceedings that have originated under the Act, but upon the dovetailing of the new proceedings upon those that had taken place before. Nothing could be, I think, a more satisfactory proof of the admirable way in which the course of practice originated by the Act has been carried into effect. There is yet another mode of ascertaining whether a measure of this nature has been satisfactory to the public or not, against which I think no objection can be made. I desired to know what has been the comparative amount of litigation in the superior courts in the corresponding quarters of this year and the preceding. I find that the number of writs issued from the 25th of October, 1851, to the 25th of January, 1852, was 19,000; while from the 25th of October, 1852, to the 25th of January, 1853, the number issued was more than 23,000. That fact is, I conceive, sufficient to show that the public are satisfied with the change. This, then, is the state in which I find the superior courts of common law, and if there were nothing else to deter me from attempting anything like legislation on the subject, I think I have shown a case that would perfectly justify me in not attempting to introduce any measure: but I am still more fortified in the view I take by considering that the Commissioners are yet proceeding to make further suggestions, and to recommend further most important changes. I was informed that their report would have been ready to be submitted to the Crown before this time. That, unfortunately, has not been the case, but we may expect almost daily the report in which recommendations with regard to these important questions will be submitted to the Legislature, who will adopt them or not, as they may think fit. I have heard a great deal of what has been called the fusion of law and equity—that is, making no distinction between the one and the other. When the proper time arrives I shall be prepared to express my opinion on that subject; but, whether that fusion is to be effected in its integrity or not, every one must feel that when a suit has been commenced in any court, it is to the last degree expedient that such court should be enabled to give all the relief which the nature of the case permits—that the parties should not be handed over from court to court when it can be avoided; and with the view of introducing amendments of that kind, I understand that recommendations will come from the Commissioners that in cases relating to the specific performance of contracts, a concurrent jurisdiction shall be given to the courts of common law with the courts of equity. Now, where a party proceeds in defiance of right to do that in respect of which damages may be recovered from him, the only mode of stopping him from doing it is by applying to the Court of Chancery for an injunction. By an Act passed, I think, in the last Session—[Lord CAMPBELL: No; in 1851.]—I allude to the Patent Law Amendment Act, power is given to the courts of common law to interfere in this manner in certain cases, and the Commissioners have been considering whether that principle may not be safely and usefully extended to a variety of other cases. There are many other subjects which I know have engaged the attention of these learned persons, and one among others, with respect to which, although I must own that much may be said in favour of a change, I think we ought to pause before we arrive at a decision. It is said that the trial by Judge, instead of by jury, has been eminently successful in the County Courts. Undoubtedly that has been the case; and it has been a matter of inquiry before the Commissioners whether the same principle may not be usefully extended to the cases tried in other Courts—whether you may not give up the machinery of a jury, and leave it to the Judge to decide the question in dispute. I think, in considering such matter, we ought not to lose sight of this fact: that, in sanctioning an arrangement of this sort, we should be taking a step towards unfitting for their duties those who are to send representatives to the other House of Parliament, who are to perform municipal functions in towns, and who are to exercise a variety of those local jurisdictions which constitute in some sort in this country a system of self-government. It may be very dangerous to withdraw from them that duty of assisting in the administration of justice. I do not say that I have conclusively made up my mind on the subject; but I must say it is a subject to be approached with very great delicacy and caution. My noble and learned Friend the Lord Chief Justice of the Queen's Bench, who has had the advantage, both as a Judge and as an advocate, of attending in assize towns, and of seeing the proceedings in the Courts, cannot, I am sure, have failed to observe, that at the end of the assizes those who have been summoned as jurors quit the assize hall a much more intelligent set of men than they entered it; and, if that be the case, it ought not to be a very trifling advantage that should lead us to abandon such a system. Mechanics' schools may afford valuable instruction, but I doubt if there is any school that reads such practical lessons of wisdom, and tends so much to strengthen the mind, as assisting as jurymen in the administration of justice. I think, therefore, that this is a subject which deserves very serious attention. I have now stated to your Lordships the view that I took in considering whether anything ought to be done with reference to the Common Law Courts, and I come to the conclusion that it would be most unjustifiable if I were to attempt any legislation on the subject. I pursued, also, a similar course of inquiry with reference to the Court of Chancery. I need not remind your Lordships of the Commission issued by my noble and learned Friend then on the woolsack, on the 11th of December, 1850, to inquire, in the same way as the Common Law Commission, into the system of proceedings in the Court of Chancery, the duties and fees of the officers, and various other particulars. In the course of the Session of 1851, after the Commission was appointed, two Members of the other House of Parliament, unconnected with the profession of the law, were added to it, in order that we might not have a merely professional report. The Commissioners reported, on the 27th of January, last year, about a week before the meeting of Parliament. Now, what was done upon that? Why, a Bill was introduced into the House of Commons by the then Solicitor General to carry into execution a portion of the recommendations of the Commissioners, and, a change of Government having taken place within two or three weeks after the meeting of Parliament, my predecessor embodied the rest of the report in two Bills—one the Masters Abolition Bill, and the other the Improvement of the Jurisdiction in Equity Bill. Now, I cannot but feel that the origin of those advantages is attributable to my noble and learned Friend opposite (Lord Truro). It was he who instituted the Commission—the report of the Commission was received by him—and one Bill was introduced by him immediately after the receipt of the report. My noble and learned Friend who immediately preceded me (Lord St. Leonards) took up the report, and unquestionably with a zeal and vigour which, although he is present, I will take leave to say, no other individual could have exceeded. He embodied the recommendations of the Commission in the form of two Bills at once. He was not, indeed, able to give the Bills the same amount of consideration—that could not be—as had been given to the framing of the clauses of the Bills on common law reform. They were necessarily framed with more hurry; but I am not aware that any material errors have been found in them. With respect to the working of the measures, it cannot be expected that their effects should be so speedily apparent as in the case of the common law courts, because in the courts of common law many of the proceedings are much more rapid in their nature than in the Court of Chancery. A case in the courts of common law may be begun, continued, and ended in two or three months; but with proceedings in equity the case is different. Some time must elapse, then, before the full benefits of the measures can be ascertained; but, so far as I can speak from my own observation, and so far as I can collect the opinions of others, the changes are working admirably well. I stated to your Lordships the difference in the cost of proceedings in the common law courts under the old system as compared with the cost under the modern system, with the view of enabling your Lordships to judge of the improvement which had been effected. I shall now do the same with regard to the Court of Chancery. I have before me, not mere speculation on the subject, but actual facts; and the best way of letting your Lordships know what is the actual state of the case will be to refer to the document before me. I shall take intentionally an uncontested case. It is a case where a person having died, the legatee wants payment of the legacy. The executors say, "We are quite ready to do so, provided we can do so without injury to the creditors." In this case all that has to be done is this: An application is made for an order to have the property distributed. All the parties are then required to attend before the Master of the Rolls, to show cause, if any, why an order should not be made. No objection being offered, an order is accordingly made, almost in as many words as I have used in stating the case. An account is ordered to be taken of the amount of property left, an advertisement is ordered to be inserted in the newspapers, and then, after payment of the creditors, the remainder of the property is handed over to the legatee. Under the old system, by bill and answer this proceeding would have cost 58*l*. The expense was materially reduced by an alteration in practice which was introduced by Lord Cottenham, by substituting a claim for a bill. Under that system the expense would have been 22*l*.; it is now reduced to 13*l*. This is, however, by no means a favourable specimen of the reduction of expense effected by the new system, because this is a proceeding which originates in chambers, before a Master; whereas, under the new practice, the bulk of the orders are orders which originated in the progress of cases depending before the court. Such, then, being the state of things, and knowing that the Commissioners are proceeding rapidly to make a further report, I think it would be unpardonable in me to propose legislation on the subject at present. I have no hesitation in saying, further, that even if I had come to the conclusion that legislation was desirable at present, I am not so insincere as to pretend to your Lordships that I could have come down to the House with a matured measure on the subject. I have been in possession of the Great Seal for about seven weeks only, and during that time I have been sitting almost every day in court until nearly five o'clock. To suppose, then, that under these circumstances I could have come prepared with an important measure for the further reform of the Court of Chancery is, of course, out of the question; but I have satisfied myself that, even if it could have been done, it is at present inexpedient. With respect to the state of business before the court, I have to say that my noble and learned Friend (Lord Truro) having introduced a measure constituting a court of appeal by Lords Justices, the result has been, that for some time there has been no large arrears before the appellate branch of the court, and that in the other branch of the court the business generally is in a satisfactory state. And therefore I have come to the conclusion that, whatever course I ought to take, it ought not to be any attempt at legislating either on the subject of the Courts of Common Law or the Court of Chancery. Since I came into office, innumerable letters have been sent me urging me to throw overboard all that has been done, and introduce a comprehensive measure for the fusion of law and equity. But my opinion is, that this is a sort of measure which, if it be ever introduced, should be introduced by one who has held the Great Seal more than six or seven weeks, and who has had more opportunity than I have had of considering how it could be best accomplished. In their report, the Chancery Commissioners allude to a state of things which I confess appears to me discreditable to the country, and in this opinion I am happy to think I have the concurrence of my noble and learned predecessor—I allude to the state of the testamentary jurisdiction of this country. In their report the Commissioners make no suggestion on the subject, but they state that they do not differ from the views contained in the report of the Ecclesiastical Commissioners in 1832. That was a Commission issued by Lord Lyndhurst, and directed to very high functionaries, and those learned persons—among the most learned in the country—came to the conclusion which I shall take the liberty of reading to you. In the meantime I may mention, in passing, that the Commission consisted of Archbishop Howley, the present Bishops of London and Lincoln, the then Bishop of Durham, and three other bishops, Lord Tenterden, Sir Christopher Robinson, Sir H. Jenner Fust, Sir J. Nicholl, Dr. Lushington, &c. So far as names can carry weight, therefore, the report of these persons is entitled to great consideration. And what conclusion did they arrive at?

> "The alterations which we humbly suggest to Your Majesty are—that the same solemnities should be required to render valid every testamentary disposition of every description of property, without any distinction, so that the same formalities of execution and attestation shall be necessary, whether the testamentary instrument disposes of real or personal estate."

This has been done.

> "And further, that under the limitations hereinafter detailed, the validity of wills disposing of real and personal estate, or either, shall be determined by trial in one of the same courts, and the probate made final and conclusive evidence of title to real and personal estate. We humbly think that by thus rendering the judgment of a competent court unappealed from, or the judgment of a

court of appeal on the merits, after proper warning given to all who have an immediate interest, final and conclusive evidence, in all courts, of the rights to real estate, additional security will be afforded to titles to real property, and some delay, doubt, litigation, and expense avoided. In order to render these changes practicable, we think it necessary, under certain restrictions, to introduce into the Ecclesiastical Court proof by *vivâ voce* evidence. Our most careful attention has been bestowed on this subject; but we do not conceive it requisite to enter into any elaborate comparison of the advantages or disadvantages attendant on evidence by written depositions or delivered *vivâ voce.* If the same court is to decide on the validity of wills of real and personal estate, there must be the same mode of trial; and, without reference to the superiority of the one description of testimony or the other, the decision by a jury upon *vivâ voce* evidence as to the validity of a will of real estate is so firmly established as the law of the land, and so consonant to the feelings of the community, that no one would venture to suggest an alteration in that respect. From the adoption, therefore, of one trial for wills, both of real and personal estate, it follows that wills of personalty must be hereafter adjudicated by the same form of trial and description of evidence as now apply to devises of real property. We propose that in all cases the validity of a will shall be tried by *vivâ voce* evidence, and a jury, where any party interested may desire it, or the judge, without such application, shall think fit to direct it; and that such trial shall take place before the judge of the Ecclesiastical Court, or, if such judge shall think fit, or the parties shall require it, before a judge of one of the courts of common law; with such power of granting new trials by the ecclesiastical judge as is now exercised by the latter courts; and that the refusal to direct an issue with respect to any will, or the granting or refusal of a new trial, may be made a ground of appeal."

With these recommendations I entirely agree; and, although I am not at present prepared with a measure to carry them into execution, yet I beg to assure your Lordships, that my attention has been directed to the best mode of accomplishing the object. I do not, however, pledge myself at once, and without mature deliberation, to introduce a measure on the subject, because I cannot but feel that in introducing a measure of this kind there is a risk of shocking a great many interests, which we ought not to do unless we have strong grounds for it; and also of imposing hardships upon many innocent and meritorious persons, which I am unwilling to do; but, having the advantage of being nearly related to the Judge of the Admiralty Court, Dr. Lushington, whose experience on this subject is perhaps greater than that of any other living man, I have put myself in communication with him, and have endeavoured to get suggestions from him as to how any such change can be effected in the mode least likely to cause injury to large classes of innocent persons. But there is another reason which even if I were prepared with a measure, would stop me from introducing it now. In November last my noble and learned Friend (Lord St. Leonards) directed the Chancery Commissioners, in addition to other matters, to inquire into this very subject, and while that inquiry is still pending it would hardly be fit that I should at once come forward with a measure on the subject. My noble and learned Friend, however, will pardon me for saying, that I regret the terms in which he issued the Commission, and that I am not prepared to say that if the Commissioners shall come to a different conclusion from the Commissioners of 1832, I shall prefer acting upon their representations instead of upon those of their predecessors. There is one other matter connected with these courts to which, so far as I have had time, I have attempted to direct my attention. Three or four years ago a commission was issued to inquire into the law of marriage. In the year before last another commission was issued to inquire into the law of divorce—both subjects having been dealt with in the ecclesiastical report to which I have referred. Upon the subject of divorce I must confess I have an opinion so distinctly formed that I believe nothing will shake me out of it. Your Lordships will observe that every divorce *à vinculo matrimonii,* according to the present practice of the country, is a *privilegium* or private law; and yet once establish the existence of certain facts, the party seeking the divorce is entitled to it, almost of absolute right, without any previous judicial inquiry; whereas I hold that the inquiry ought to be one solely of a judicial nature, and that the result should depend upon the decision of the Judge, ay or no. There, again, there is an inquiry pending, and it would consequently be impolitic that I should propose anything until it is concluded. Having now stated what I am not going to do, I shall proceed to state what measures I am actually prepared to bring forward. And here I beg to remark, that I should not have flinched from stating that I was unprepared to bring forward any measure at all, if, upon looking into matters as closely as my time permitted, I had not seen my way. I should have incurred the risk of hostile observation rather than have come down and proposed measures which, in my conscience, I did not think I could safely and honestly propose as likely to be useful. But I find what I think is a most beneficial measure almost ready to my hand. Of all the subjects, next to the reform of the superior courts, on which I have had communications addressed to me since I have had the honour of being intrusted with the Great Seal, there is none on which so much has been said as on the subject of the transfer of land, and I have directed my attention to the consideration of the question of what could be done, if anything, to carry into execution the views of the parties making the suggestions. I soon came to the conclusion that most of the suggestions I received were founded upon an entire misconception and a misunderstanding of the subject. To suppose that we can ever arrive at such a state of things as that the land of the kingdom can be transferred as easily as Bank stock, is to suppose an utter impossibility. Why, the objections to this lie on the very surface. It is obvious that one 1,000*l.* of stock is precisely the same as every other 1,000*l.* of stock, while every man's acre is different from his neighbour's acre. It is therefore necessary that we should be able to identify every particle of land that is subject to transfer. That is one difficulty. But the real difficulty in what is called the transfer of land does not arise from the state of the law relative to its transfer, but from the law as it exists under the social and political institutions of the country. I find that what many persons mean by facility of transfer of land, when pressed on the subject, is, that there should be no ownership except that of ownership in fee simple, or ownership for life with remainder to another in fee simple, as it exists in the State of New York at this moment. I believe that there no lease is allowed of more than twelve years' duration. If there were no ownership but that of fee simple there would be very little difficulty indeed in the transfer of it; but once admit the complication of interests arising from mortgages, settlements, jointures, entails, and what are called shifting estates, the difficulties are very considerable; because, when a party sells he must prove that none of these circumstances affect his title. I believe that this is at the root of the difficulty and expense in the transfer of land in this country, and not in the system of conveyance; and as I do not think it my duty, even if I thought it beneficial, to propose any alteration of the existing system of entail, settlements, &c, in this country, I must deal with the question as I find it, and proceed upon the assumption that such is still to be the state of the law, and that parties are to continue in the possession of the rights they now enjoy with regard to the settlement and disposition of their property. That being so, there are two modes by which the transfer of land is made expensive at present—one arising from the length and complication of conveyances; and the other, and the really important one, from the investigation of titles. As to the length and complication of conveyances, there is no necessity for legislation on the subject, inasmuch as that length and complication does not arise from the state of the law, but from the desire of the person purchasing to have the fullest details on the subject stated in the conveyance. If that be so, then I proceed to inquire whether we can devise any mode by which the investigation of titles can be made less difficult and occasion less expense than now. I will not attempt to misrepresent to your Lordships or the country what I conceive to be the advantages of registration; but it is obvious that it can be of little or no immediate advantage. I have seen a plan proposed by Mr. Wilson, by which it is supposed the object in view could be easily effected. Mr. Wilson proposes a sort of book-keeping of titles and the giving of certificates. Now, I give this gentleman full credit for his ingenuity; but there is one little point that is essential to his system, which, if he gives to me, I will undertake to make my registration as simple as his; and that is this:—A party is to put his name on the register as the owner of a given estate, and then, if by a given time—say ten years, or, as Mr. Wilson thinks would be better, a shorter period—every person does not come in and enter his claim to the land, the register is to be taken as a conclusive proof of undisputed title. Give me that, and at the end of ten years I will make the transfer of land extremely simple. Nothing can be more easy, when once you have got a *constat,* as it were, of the absolute ownership of any individual. Then this gentleman proposes, when once you have got a perfect title to the land, that the owner shall have a certificate that he is the absolute owner in fee simple. Having that certificate, if he wants to transfer the land by way of mortgage, for instance, he goes to the Registry Office, the certificate of absolute ownership is cancelled, and he is provided with another certificate, which states that he is the absolute owner, subject to a certain mortgage. And then, again, when the mortgage is given up, a new clear certificate is supplied to him, stating that he is the absolute owner in fee simple. But, when you once establish a clear title, there is no difficulty in the matter. Upon this scheme, or something like it, all the plans that I have seen have been founded; but I do not think that they could be at all operative, except with an entire alteration of all the law, not indeed relating to the transfer of land, but to the title to land. I have paid great and respectful attention to the observations which have proceeded from my noble and learned Friend behind me, and if I can engage his support to the proposition which I have to submit, it will give me extreme delight. My proposition then —I call it mine in now submitting it to your Lordships—is similar to that which was embodied in the Bill of my noble and learned Friend (the Lord Chief Justice) of 1851. I propose, when anybody purchases an estate, that he is to go to the registrar and put it upon the register. When time passes, and I want to sell, it will be seen that I have that register, and my deeds will show what my title "was," because I do not propose to affect bygone titles; and then I propose that nothing shall affect the title to that land beyond what is seen upon the register in conjunction with my own original deeds. I can have no interference with the registry. It is possible, indeed, that there might be cases of gross fraud, but they can be dealt with as they arise. We are not to pause in a great good because there are difficulties in the way, and I think that very considerable good is to be effected in this direction. It will make the mode of transferring land safe, simple, and cheap. I do not propose, in moving the introduction of this measure, to enter into any discussion upon the details of the subject, except with a view to the suggestions which have been made to me as to the working of the Bill, that it will not effect a great many objects which I, in truth, am persuaded it will effect. It is said that there are difficulties in the way of settlements. The way in which I propose to deal with that question is this:—A party registers his title. If he wishes to make a settlement he may make it and put it upon the register. Then anybody who purchases the land may see what that settlement is. But if he wants to retain the power of selling the land, notwithstanding the settlement, I propose that he shall have the power, if he desire it, of stipulating that the settlement shall not appear upon the register. It is argued that that affords an opportunity of defeating the settlement. Undoubtedly, I admit that it does; but if you wish to make the settlement binding, you must put it on the register, and then it cannot be defeated. At the same time, provisions are made that any persons entitled under a settlement which is not on the register, may obtain an inhibition upon the land being sold, and may prevent injustice being done. By this measure, then, means are taken for always keeping upon the register an absolute owner. I shall not, upon the present occasion, dwell at greater length upon this matter, because it is one of that intricate character which can only be dealt with when it shall come before your Lordships in all its details. In the mean time I will promise to name an early day for the second reading. One other subject has come under my consideration, which I shall only glance at, because I confess it is not in such a state that I could satisfactorily to myself give any detail of its precise provisions—I mean the Bill for the better regulation of Charities. A Bill with that object was introduced by my noble and learned Friend (Lord Truro) in 1851; but it cannot be adopted in the form in which it was introduced by him, because the machinery for carrying it out—that of the Masters in Chancery—is at an end. I have had under consideration several schemes upon this subject, and several communications with my noble Friend the Secretary of State for Foreign Affairs, and I may state that a Bill is in progress which I hope, at an early day, to be able to lay upon the table of the House. The Bill to which I refer will be introduced with the view of carrying into effect the objects of my noble and learned Friend, subject to several modifications, and particularly to that of the abolition of the office of Masters in Chancery. I have now told your Lordships why I have not attempted to legislate upon the courts of the country, and why I do propose to introduce this Bill, and why I introduce it nearly in the form in which it passed your Lordships' House in 1851. I have also explained, I hope satisfactorily, why I cannot at the present moment be prepared with any more mature measures upon these subjects. But, though I am not prepared with any measure, properly speaking, of legislation to submit to your Lordships, I now proceed to state that I have, though in a slight degree, commenced, and that I intend, so far as in me lies, to proceed in the work which I believe is as much called for, and will prove as beneficial to the whole community of this country, as any measure which the ablest Legislature ever passed. My Lords, have any of your Lordships, looking into the library of your House, ever beheld upon its shelves forty closely-printed quarto volumes, lettered on the outside, "Statutes at large?" In those forty volumes is contained that which is to regulate the Judges in expounding the law and the whole community in the performance of their duties. There are many statutes which are not to be found in those collections; but, for practical purposes, we may take it that the statutes are contained in those forty closely-printed quarto volumes. I think it may safely be said that it is not creditable to any country that its statute law should be in such a condition. I will endeavour to give your Lordships some idea of the enormous mass of statutes now existing. I have ascertained that from the first year of Edward III. to the end of Queen Anne, there were passed 3,256 statutes; from the end of Queen Anne to the Irish Union, there passed 5,952; and from the 1st of George III. to the end of 1844, there was about 5,200 more, making an aggregate of statutes, from the 1st of Edward III. to the end of 1844, of 14,408. That is exclusive of the Irish and Scotch statutes. To what they amount I am not able to say, but altogether they must increase the aggregate to something like 20,000 statutes. The great number is of itself a circumstance that affords an irresistible argument for the necessity of doing something; but, independently of their enormous quantity, there are other reasons which suggest themselves. They are all in a most repulsive form—there is no classification—but they are huddled together in the most complex fashion. It is part of the law of the land that there cannot be a single stop in a statute, or, at all events, it is to be read as if there was none; and, though you see them printed with stops, I have heard it argued that if the stops were in different places a different meaning would attach, and that the stops must be disregarded altogether. This, surely, is hardly a creditable state for our statutes to be in. Then, again, the style in which they are couched is most perplexed. You will see enormous sentences occupying a whole quarto sheet, unbroken by a single paragraph or division. The result is really deplorable. By one of the fictions of law the Judges are supposed to be acquainted with all the law, both written and unwritten. To suppose that they really do know anything like all these statutes, is absurd. No human mind could master them. What has been the consequence? Knowledge is impossible, and therefore ignorance has ceased to be a disgrace. Proposals for digesting the statutes have been made from the very earliest times. I do not mean to weary your Lordships by going into the question of what was attempted and left unaccomplished by Sir N. Bacon, Lord Bacon, Whitelock, and others. But I will pass entirely to more modern times. In 1806 the Commissioners on Public Records came to a resolution—

"That Francis Hargrave, Esq., should be requested to consider and report to the board as to the best method of reducing the statute law into a smaller compass and more systematic form, and of revising and amending the same, in the whole or in part; repealing what is obsolete, and consolidating what consists of needless repetition; specifying the general heads of the statute law most necessary to be dealt with in either way; the best method of rendering the style of our future statutes more correct, concise, and uniform in their forms of expression, and at the same time more perspicuous in the arrangement of their enactments and provisions; with a statement of such practical rules as appear to be most effectual for this purpose."

Ten years afterwards, in 1816, your Lordships framed two resolutions declaring the expediency, in your opinion, of arranging the enactments in the Statute-book under separate and distinct heads, and that a person learned in the law should be appointed for this purpose, with a number of clerks under him not exceeding twenty, which being communicated to the House of Commons, the following Resolution was adopted by that House:—

"That this House doth agree with the Lords in the said resolution so amended; that from the present state of the statute law of this realm it is highly expedient that effectual measures should be taken to arrange the matters contained in the statutes of the United Kingdom of Great Britain and Ireland, and in the statutes passed in the separate Parliaments of England, Scotland, and Ireland respectively, under distinct and proper heads."

Upon that an address was made to the Crown, and the answer of the Prince Regent was that he would give directions accordingly. Still, nothing came of all these proceedings except a partial consolidation from time to time upon certain subjects. There was a consolidation of the slave trade, of the Excise, the Customs, and some of the criminal law statutes. But all these were very imperfect remedies. On the 23rd of July, 1833, my noble and learned Friend Lord Brougham, who was then Lord Chancellor, issued a Commission (which has now resulted in the criminal law reports) to digest the statutes relative to crimes, and to inquire how far it might be expedient to consolidate other branches of existing statute law. They proceeded in their investigation of the criminal part of the subject entrusted to them, and in July, 1835, they made a report upon the subject of the consolidation of the statute law. They made many useful suggestions, and they said that three things might be done. The first and most limited application of these remedies would consist in a mere reduction of the existing statutes by expurgation; a second and more extensive application of them would consist in a similar reduction, with a classification and consolidation of the remaining enactments; and a third and still more extensive application of them would consist in a similar reduction, classification, and consolidation, with such alterations in the remaining enactments as would make their apparent import correspond with their legal effect. Nothing was done upon that report. In the year 1845 an index of the statutes from 1801 to the end of 1844 was made under the direction of a Select Committee of your Lordships' House. Here I propose to take up the subject, and to begin at least the work so often contemplated. That the present is a state of things in which it is eminently desirable to make a change, no one will dispute; but the real question is how far it is within the range of possibility? I confess, my Lords, that I at one time thought it was an impossibility, and that we must continue to labour on as we had been doing, and to make the best of it. Two or three days after I received the Great Seal, while conversing upon the subject of law reform with my hon. and learned Friend the Solicitor General, he suggested to me this digest of the statute law as a most useful work, and that it was not quite so impossible as at the first blush it might appear; and, after a little conversation on the subject, he pointed out this fact to me—that there is now published by Mr. Chitty a work, containing all the more useful statutes, which are bound in four moderately-sized octavo volumes. That is a work which the Judges take with them always upon the circuit; and they find that, for all ordinary purposes, in nineteen cases out of twenty, it contains all that is necessary for them to use; and it is a selection, remember, which is not made to help the Judges on the circuit, but to help people generally upon the subject of the law. That led me to reflect more upon the matter, and I brought myself, perhaps with too much zeal, to the conviction that it was not only not impossible, but that the difficulties in the way were infinitely less than at the first blush they seemed to be. But your Lordships will naturally inquire what is the foundation for supposing that the difficulties will not be so great as one would imagine at the outset. I will, then, briefly state the reason. I have told you that from the first of Edward III. to the end of Queen Anne, there were 3,256 statutes passed. That fact I obtained from the appendix to the report made in 1835 upon the subject of a consolidation of the statute law. Well, but how many of those statutes now remain, because those only are the statutes with which we have practically to deal in consolidating the law? Upon this subject the report is also very explicit. Of these, 1,814 were repealed or had expired, and 524 were local, personal, and private Bills; only 918 then were left, of which 260 were partially repealed. If we state these 260 partially repealed as representing 130 complete Bills, we shall then have to deal with not quite 800 statutes up to that period. Were we to assume that all the remaining statutes stood upon the same footing that I have thus described with regard to those up to the end of Queen Anne, this assumption would reduce the number of statutes at once from 20,000 to 5,000; but I thought it would not be the fair or honest way of looking at the subject to assume that there are in the modern statutes the same number to be dealt with as there are in the more ancient statutes. With a view to learn how far we might apply this principle to the more modern statutes, I took, at random, three years of later legislation—the 33rd George III., the 41st George III., and the 56th George III. I went through these, one by one, to ascertain how far the statutes in each year were statutes which a person proceeding to the work of consolidation would have to deal with. I will tell your Lordships what the result was, not asking your Lordships to follow me precisely in exact figures, but, taking the general conclusions. I placed the statutes under three different classes—1st, statutes that have been absolutely repealed; 2nd, statutes, of which there are an immense number, that would not form any portion of a consolidated statute law-book; for example, a statute enabling Her Majesty to raise 2,000,000*l.* by way of Exchequer bills has done its work, and is at an end with the end of the Session in which it was passed, and would not, of course, be incorporated in any permanent statute-book upon the principle I contemplate. So, Acts continued on from Session to Session, the Indemnity Bill, the Mutiny Bill, Acts to authorise proceedings taken once for all, such as Acts authorising the building of a street, and so on—none of these come within the category of statutes to be consolidated. Proceeding in my analysis of the Sessions I mentioned, upon this principle I found that, there having been 109 Acts passed in the Session 41st George III., 20 of these had been repealed, 57 were extinct, or had become inoperative, 12 of them were revenue laws—and, as to these, I don't know whether they are in force or not:—so that altogether, out of the 109, 89 were gone, and but 20 remained to be dealt with in consolidation. I thought that perhaps the 41st George III. might be a year showing a different result from the general average. I took the 33rd George III. In that Session 127 Acts were passed; of these 13 had been repealed, 21 were of an entirely temporary nature, and 65 were local, personal, or private Acts, and 14 were Revenue Acts—so that only 14 remained to be dealt with out of the 127. Applying the same inquiry to the statutes of 56th George III., the result was that out of 142 Acts, 34 only remained to be dealt with. The general result, then, is, that of the measures passed in these three years, only about one-fifth remained to be disposed of in the process of consolidation. Upon the whole, my Lords, I cannot but believe that when I say that of the entire body of our statutes one-fourth only remain to be dealt with in consolidation, I am rather overstating than understating the case. I submit, then, that we have before us herein no difficulties which we at all need to consider insuperable. *Difficultatis patrocinia prœteximus segnitiœ;* but if we now apply our industry to the subject, I believe the work can be done. Your Lordships have a right to ask me how. I will state what my view of the subject is. Hitherto there has been nothing done in this way beyond reference for inquiry to learned Commissions or learned individuals, who have gone no further than that inquiry. What I propose is to take a very simple course, and it is this:—I think I may be able to secure the services of Mr. Bellenden Kerr, one of the former Commissioners, to act under my own superintendence, assisted by the Attorney and Solicitor General, having further the co-operation of two or three gentlemen, whom I shall, as it were, retain in the case, to give their whole time to it. I do not propose for them to inquire how the thing is best to be done; but the course I contemplate is to say to them, "Gentlemen, first of all complete that which has been already done up to the reign of Queen Anne, and mark every statute that is now in force, so that we may know precisely of what the statute law at this moment consists; and then distinguish what of these statutes is of a local or temporary character." I next propose to direct them to reduce the statutes upon a particular subject into one statute, and, in so doing, not necessarily to adopt the order which they may find in the Statute-book, or the language of the Statute-book; only where any particularity of language has led to any particularity of construction, I shall instruct them to report the special case to me, and I will endeavour to have the language to be adopted, upon mature consideration of such construction, rendered clear and intelligible for future reference. As I watch the progress of the work itself, ideas will doubtless suggest themselves from the work itself, which will enable me to carry the undertaking to a successful and satisfactory issue much more effectually than any abstract references or inquiries addressed to commissions or to learned individuals. That which I desire has been done in the State of New York, where all the statutes of the Legislature are placed before the community in a compact and practicable form, and in language perfectly intelligible to the whole community. The consolidation of past statutes is not the only benefit we shall derive from the proposed attempt; it will be a result of incalculable advantage if we are enabled to classify future statutes, so that when an Act is passed, it shall not be huddled and hidden among the mass of legislation of a particular Session, as merely chapter so and so of Session so and so; but shall be at once classed under its particular head an Act on the subject of marine insurance for example, being classed under the category to which it naturally belongs, and in which it would be naturally sought. The course I propose is not without precedent in our own legislation, for, about fifty or sixty years ago, local and personal Acts were ordered by Parliament to be ranged in a special class. I do not see why this principle should not be extended to the rest of our legislation, considering, as I do, that the extension of the principle would be of the greatest benefit to the community. There is an incidental advantage which I cannot but think will accrue from the course I propose. I cannot but think that, keeping my mind steadily intent on the progress of these gentlemen's works—and from time to time, in order to show that I am in earnest, I shall lay a report before your Lordships of what is doing—I cannot but think that suggestions will present themselves, which will enable Parliament to revise its mode of legislating, and place its labours before the public in a more intelligible form than at present. This is what I have to state to your Lordships, and through your Lordships to the country, as to the course I propose to myself with reference to legal reform. If it be thought that herein are any shortcomings, or that I have not been so vigilant or active as I ought to have been, I can only say that I have done my best. I should deem it a very scandalous thing on my part, had I been tempted by the splendour of the position to accept the Great Seal, if I had thought myself not competent for its duties. I have the greatest regard for my noble and learned predecessor, who has been a friend of mine for thirty years; and of the mode in which he fulfilled the duties of the office that has just devolved upon me, there is no man more ready than I to express admiration. Having said that, your Lordships, I am sure, will feel I can do no more than devote myself with all my energies to prove myself not wholly unworthy of the office I have the honour to hold; and I do believe that the work to which I pledge myself engaged will be a work of which I shall never have reason to be ashamed. I may, perhaps, anticipate results from what I have undertaken larger than may ensue. No great object has ever been accomplished which has not been surrounded in the mind of him who undertook it with more or less of romance—of exaltation of the imagination; but, assuredly, admitting every reasonable allowance of that sort, I am convinced that what I have proposed, if carried into effect, will produce the largest and most important benefits to the country. It is a sufficient encouragement to me in my determination to carry on this work, that at all events we cannot advance a single step without doing some good. The mere enumeration of the statutes that have been repealed would be something; the consolidation of some of the statutes more easy to be dealt with would be something. To simplify our statutes and improve their style would be something—would be a great deal. But I look further. I conceive there is no reason why this proposed step should not, at some future time—some years hence—constitute the foundation of that which I have always looked forward to as most desirable—though heretofore I have feared it to be unattainable—a Code Victoria, that shall put us on the same footing that a neighbouring nation has attained by that code which will immortalise its author long after his triumphs and his failures—his victories and his defeats—have passed into oblivion. The measures, then, which I propose are sure to be attended with benefit at every step of their progress. It may be that all I anticipate from them may not be realised, yet I trust, and I believe, that sooner or later, that full and complete results will be accomplished. In this hope, and this confidence, I advance; I hope that all may eventually be accomplished.

> "Quod si non contingat, altius tamen ibunt, qui ad summa nitentur, quam qui, presumptâ desperatione quo velint evadendi, protinus circa ima substiterint."

The noble and learned Lord then *presented* a Bill for the Registration of Assurances in England, and moved that it be read a first time.

LORD ST. LEONARDS said, his noble and learned Friend need offer no apology for any want of zeal or activity in the cause of law reform, for he was certainly open to no such imputation—and certainly the short time during which he had held the Great Seal had afforded no time to prepare any further measures of legal reform. His noble and learned Friend had stated the reasons why he had not thought necessary to propose any further reforms in the courts of Common Law or Chancery. He took it for granted he would come to that conclusion, because it was obviously altogether unwise to attempt to touch those Courts until they saw what had been and would be the operation of the great and extensive measures of reform which so recently passed through Parliament. It was unnecessary and disadvantageous to go into those questions to which his noble and learned Friend had referred, which were still under the consideration of the Commissioners, and more especially so, since the expression of any opinion in Parliament on any questions not yet determined, might insensibly influence the Commissioners in the reports they had yet to make. In relation to one question before the Commission, with regard to the fusion of law and equity—which he (Lord St. Leonards), adverting to the manner in which it was treated by some persons, would rather call the confusion of law and equity — his noble and learned Friend seemed to have misconceived the difference of proceedings upon contracts in Courts of Law and Courts of Equity. A Common Law Court had no jurisdiction in what was called specific performance. The matter lay in a small compass. In law, if you entered into a contract—it mattered not whether for goods or real estate—you were bound to perform it; and if you did not, an action might be maintained against you, and damages would be given according to the extent of the loss incurred by the non-performance of the contract. The law gave in cases of real and personal estate precisely the same relief. The contract was treated in a Court of Common Law as broken, if refusal or neglect to perform it was proved, and damages were awarded in proportion to the injury sustained. Now, Courts of Equity proceeded upon a totally opposite rule. In a Court of Equity the contract was treated as subsisting. The Court regarded the person contracting to purchase an estate as the actual owner from the moment of the bargain; and the seller as the owner of the purchase-money; and there were many reasons why a Court of Common Law could not exercise jurisdiction, and many circumstances with which such a Court could not grapple. In a Court of Equity the answer of the purchaser might be that the seller could not make a good title—in which case the Court would give time for that purpose, but would enforce the specific performance of the contract; but in a Court of Law time was an essence of the contract; hence the difference of the two remedies upon any contract, for the sale of land. It would be necessary, for this purpose, to give the Court of Law the same machinery and the same officers as the Court of Chancery; whereas the Court of Chancery had the machinery and the officers already—so that to multiply them would produce no other result than a clashing and imperfect jurisdiction. In the Bill he had himself lately introduced with reference to the Court of Chancery, he attempted to introduce a clause to enable Courts of Law, in cases where a man was entitled to the equitable estate, but not to the legal estate, to prevent the necessity of nonsuiting, or giving a verdict against him, merely because he happened not to have the legal estate, by enabling the Courts of Law to send a case to a Court of Equity, to ascertain whether the party was really entitled to the beneficial interest. But, so far from this being adopted as a first step towards improvement, it was struck out of the Bill altogether. It did not seem, therefore, as if there was any great disposition on the part of the Legislature to adopt what was popularly called the fusion of law and equity—a fusion which he was perfectly satisfied could never be accomplished. With regard to the subject of divorce, he was glad that this important question had been brought under the consideration of Parliament; but as no measure on that subject was announced, he need not trouble their Lordships with his opinion—no benefit could result from discussing it—until it was brought before Parliament by the Report of the Commission which had been lately appointed to investigate the subject. His noble and learned Friend did not seem to be aware that that Commission were about to issue their report. The next subject to which he should refer related to the question of testamentary dispositions. The late Government had had this subject under their consideration; they had issued a renewed Commission, under which they added other learned persons to those who were already directing their attention to this question, and he regretted to hear that his noble and learned Friend found fault with the terms of the reference. He himself thought the terms fully sufficient to enable and to authorise the Commissioners to state not merely the mischiefs which they found to exist, but to suggest the remedies for them; however, if his noble and learned Friend meant to say that there was the slightest difficulty in the Commissioners arriving at a proper conclusion on these points, or any of them, he had only to give them further instructions. There could be no doubt that the inevitable result of legislating upon this subject must bring under full consideration the question of the Ecclesiastical Courts. But he quite concurred with his noble and learned Friend that whilst sweeping away institutions which had so long existed, regard should be had to the interests of the many meritorious persons whose long-enjoyed interests would be compromised by these reforms. As far as he understood his noble and learned Friend's "bill of fare," if he might be permitted to use such a phrase without offence, the practical result of his statement was, that there were to be a Registration of Deeds Bill, a revised Charitable Trusts Bill, and the Consolidation of the Statute Law. Now, he did not wish it to be supposed that he was at all opposed to registration as such; on the contrary, he might refer to a measure he had himself been the means of proposing—the Registration Bill of 1838—to show that he was a friend to registration, so far as it could be properly resorted to. That measure, which gave greater effect to registration in regard to judgments than any other—saved enormous expense, and limited the necessity of searches to every five years, compelled the registration of Crown debts, *lis pendens*, and other matters—had him for its author, and therefore he was entitled to say he was a friend to registration as far as it was practicable. Now, the great object which those who desired registration of assurances generally had in view, was one which his noble and learned Friend had justly expressed his opinion of as being incapable to be carried into execution — they wanted to make land transferable precisely in the same manner as at that moment railway shares or stock might be transferred. But that, of course, meant to strike at the whole law of property as it now existed. It was the law of England at present that there could be no property, small or great, which could be put *extra-commercium*, so to speak. Every man possessed of real estate might dispose of it, and there never was a time when a man might not go into the market and buy land in this country; there was no want of land in the market; no small or large purchaser was prevented from satisfying his wants. Such was the case at this moment. But what many persons desired was this—not simply to reduce the transfer of land by the easiest of all plans—they wanted to stop all dispositions of land for the purpose of family enjoyment and of supporting the dignities their Lordships possessed. It was obvious that this at once introduced into the discussion a most important social and constitutional question—for it was ridiculous to speak of this subject as relating only to the transfer of land, involving as it did other questions upon which the happiness and the prosperity of so many persons in this country depended. These were not questions to be dealt with lightly; and he was sure his noble and learned Friend would see that they were entitled to the deepest consideration. On the general question he would at once assert that no man could prove to their Lordships that a general registry would either shorten conveyances by a single line, or add to the relief of the land. They might register a deed, but it would not give to it greater effect than it had before. Suppose, for example, they had a deed on the table of the House, and they were about to sell the property comprised in it—it would look just as well on the table as in the Registration Office. Registration would give no strength to the title, except by excluding other persons. Suppose the deeds were registered—a man must still have an abstract of his title and submit it to counsel, precisely as he did at that moment; no one could make up his mind about the title simply with the deeds themselves before him; there was not one man in a thousand who could safely give an opinion upon it without an abstract of the deeds. His noble and learned Friend had referred to the doctrine of notice. Now, that embodied the whole doctrine of the Court of Equity. Under the supposed scheme, if a man mortgaged an estate which he had just before sold, but the mortgagee put his deed on the register before the purchaser's deed was registered, the mortgagee would take the estate from the man who had just bought it; but, then, if the mortgagee knew that it had been already sold, Courts of Equity stepped in and gave the estate to the purchaser. It was now proposed to do away with the effect of notice. This would lead to revolting frauds, and a court administering such a law should be called a Court of Iniquity, instead of a Court of Equity. Again, as he had understood his noble and learned Friend, there was to be on the register the title of the owner in fee simple, and then if a man wished to make a settlement of his estate he might do so, with a condition that the settlement should or should not be put on the register; so that he would, in fact, appear on the register as the owner of the estate in fee simple, although he might have settled the estate by an unregistered deed. If they desired to introduce confusion and misery into the law of England and into families by means of settlements, let them adopt that course. But his noble and learned Friend said, that if a man, claiming under a settlement not registered, found his estate was going to be sold, he could go to a Court of Equity to get an injunction. He (Lord St. Leonards) could not recommend that course of proceeding. If a man could be enjoined from selling an estate, why should not the settlement be put upon the register, whereby such a sale would be prevented? These were difficulties not lightly to be dealt with, but it would take too much time to discuss them then. Knowing that such a measure would be opposed in many quarters, he could not but regret that this should have been the first measure brought forward by the Government. Then there would be the enormous expense. Let their Lordships recollect that registration would give no man a title, and at the proper time he would show that the damage weuld be greater than the benefits that could accrue from it. Let them, too, observe the time chosen for the introduction of this measure. The landed gentlemen of England, smarting under the removal of protection, had been asking for some relief. What did they give them? A Registration Bill. The expense of registration would be certain; and could they believe that the landed gentry were so exceedingly easy to be worked upon, that they would adopt this Bill, with its vast expense, for a problematical benefit? They told them they were suffering from the present state of things—although they would say nothing about protection now—but they were to have this Bill, all taxes being left just as they were. He thought they would be very reluctant to impose this new burden on themselves. With regard to the subject of charities, to which his noble and learned Friend had next made reference, he had nothing to say; but he did not exactly understand in what manner the noble and learned Lord considered it expedient to deal with the question of charities. The late Government had looked into the measure proposed by their predecessors to the late House of Commons, and had determined not to proceed with it; he would therefore postpone making any remarks, until he knew how it was proposed to deal with the question. The last matter to which reference had been made was the subject of the statute law. At the present moment their Lordships were engaged on the experiment of digesting a portion of the law—namely, the criminal law. That limited portion of the law had been referred to very learned Commissioners, who had made many reports. Thirteen blue books had been the result of their labours—more probably than would ever be read by the Members of the Legislature or of the profession—when, at the suggestion of a noble and learned Friend of his not now present (Lord Brougham), the late Government consented again to take up the subject. The examination of the criminal law alone, before the late Government took it up, had cost the country upwards of 40,000*l.*, and there had been some additional expense since. His own attention had been very much directed to the subject, and he could assure their Lordships that the difficulty attending a digest of that kind was greater than could well be conceived. His noble and learned Friend had spoken of the style of our Acts of Parliament. If he understood him rightly, his noble and learned Friend proposed to simplify the style and to correct the language of the statute law, so as to make it so plain that "he who runs may read." His noble and learned Friend was embarking upon a measure which alone was sufficient to occupy a long life; and if he was proposing to himself the completion of the work, he (Lord St. Leonards) hoped most sincerely that nothing might occur to interrupt his labours. The difficulty of the work might be estimated by taking some particular statute. The language of it might be tautological, and it might not be grammatical; but it might have received a particular construction from having been the subject of discussion in courts of law, though there might have been no actual decision upon its actual meaning. The moment you attempted to simplify the style and correct the language, you opened the door to litigation, in order to ascertain what meaning the new phraseology was to have. Therefore let their Lordships look very cautiously at a proposal to codify the whole statute law. It was not at all like the proposition to deal in that way with the criminal law. The one was possible, and unattended with danger, the other most dangerous; and he did not hesitate to say that there was no living man—that there never had been a man—competent to digest the statute law of this country in the way proposed. There were repealed Acts and temporary measures; why disturb them?—they were dead. Let them alone and they would not trouble anybody. The present method of legislation gave a practical consolidation. When a Bill was brought in, dealing with any particular subject, all the preceding Acts referring to that subject were quoted, and those Acts were all repealed, and, except so far as they were altered, were re-enacted in a consolidated form. This was a beneficial practice, which ought to be continued; and they thus practically arrived at what his noble and learned Friend now asked should be done by way of digest; but he thought that all that could be done by way of digest was what was best done by consolidation, for from the moment you altered a statute you made a new law with all its contingencies. Surely, too, in a consideration of this matter, they were not to forget the expense? What had on a limited scale been attempted had cost upwards of 40,000*l.* What, then, would be the expense of a general digest of the statute law? The noble and learned Lord said it was not a new project—that this digest had been long demanded. No doubt; and why had the demand never been complied with? Simply because every one had believed that the difficulties in the way were insurmountable. It was known that he (Lord St. Leonards) had always been strongly opposed to the theory of codification; but he had given way in regard to the criminal law, because, if any branch of the law did admit of codification, that was the branch; and he was content that there should be an experiment, of the results of which he could not be confident, although he did not doubt that his noble and learned Friend would carry on with great vigour the digest of the succeeding part of the criminal law. At any rate, they ought to see how the smaller experiment worked before they entered on the wider field. In conclusion, he asked their Lordships to remember that he was taken by surprise, as his noble and learned Friend had given no intimation of what he intended to propose: he had only been throwing out suggestions, and he begged the House to believe that he was far from desirous to offer any opposition which was not absolutely called for.

Lord CAMPBELL had listened with great satisfaction to the able and lucid statement of his noble and learned Friend upon the woolsack; and he must say that he highly approved of the course he had taken, both as to what he had abstained from attempting to do, and as to what he was prepared to accomplish. He thought his noble and learned Friend acted judiciously in not yielding to what was called the "fusion of law and equity"—to the desire that there should be universal jurisdiction over all causes, enjoyed by all Courts, and by every Judge in every Court. Such a course could only lead to confusion and mischief. If this were a small State, where one Court could administer justice to all the subjects or citizens in the State, it might be proper that that Court should have universal jurisdiction; but in any State where two Courts were required, the subdivision of labour ought to prevail. In ancient times, when this country was under the Norman line of sovereigns, we had the *Aula Regis,* which had universal jurisdiction. But the inconvenience of the system was felt, and its jurisdiction had been subdivided between the Court of Chancery, the Court of Queen's Bench, the Court of Exchequer, and the Court of Common Pleas. Yet now it was proposed that we should return to the system which prevailed in the barbarous times of William Rufus and King Stephen. He hoped this would never be the case. Nevertheless, he felt most strongly the importance of the principle laid down by his noble and learned Friend upon the woolsack, that one Court ought finally to decide every cause brought before it. For this purpose, and for this purpose only, there ought to be what was called a fusion of law and equity, and each tribunal ought to be invested with powers to decide finally every controversy which came before it; for to drive suitors first to a court of equity and then to a court of law, could only lead to delay and to ruinous expense. The Common Law Judges, he thought, having the great benefit of the most learned works which his noble and learned Friend opposite (Lord St. Leonards) had given to the world, and his valuable decisions before them, could perfectly well decide the question which he had suggested, whether there should be a specific performance of an agreement to purchase land. He did not see why an action should not be brought in a superior Court of Common Law or Equity, to compel specific performance, and if that were not sufficient, why the complainant should not have damages for breach of contract. At present a party went into the equity courts, and it might be he could not have specific performance because there was some technical difficulty; after infinite delay, an action was brought in the Court of Queen's Bench, and he there tried to recover damages. But one investigation ought to have settled the whole question. With regard to injunctions, why should not the Courts of Common Law have the same powers as the Equity Courts? Why not with respect to copyright? Why not as to nuisances? In all such cases he thought the equitable jurisdiction, as it was called, of the Courts of Common Law would be useful. Not long ago an action had been brought in a Court of Common Law in reference to a nuisance caused by the ringing of bells, and the plaintiff succeeded; but it was afterwards necessary to go into a Court of Equity to obtain an injunction which it ought to have been in the power of the Court of Common Law to grant. Formerly these Courts of Law and Equity were entirely distinct, because the Court of Chancery assumed the power, not only of dispensing law, but of making law; and therefore the people, with the view of getting the hardship of a law corrected, went then to the Lord Chancellor, who decided what he conceived to be just and equitable against the law. But those times were past, and now the Courts of Equity were governed by fixed rules, just as were the Courts of Common Law, and what those rules were could be ascertained with little trouble. Here then was another reason why the Courts of Common Law should have the same powers as the Courts of Equity in all the cases which were brought before them. His noble and learned Friend had spoken about the trial by jury. He hoped his noble and learned Friend would look with great caution upon any proposal for tampering with that institution. Undoubtedly there were many cases brought before the Common Law Courts which juries were not fitted to decide—such as complicated matters of account; and he trusted before long some process would be invented whereby such cases might be at once referred to some legal functionary, who would summarily and economically decide upon them. But there were other cases, such, for instance, as actions for libel, or defamation by words, or for personal wrongs, involving facts as well as law, for which trial by jury was the best tribunal that had ever been invented. For his own part, speaking from his experience as a Judge, he thought juries were much more likely to arrive at a just conclusion upon conflicting evidence than all the fifteen Judges; and he should lament the day when the Judges were deprived of such assistance. The jury assisted the Judge; and a Judge without the assistance of a jury would in a very unsatisfactory manner dispose of mixed questions of fact and law. As to the law of divorce, he thought his noble and learned Friend had acted wisely in abstaining from touching that subject at present. He need not remind their Lordships that a Commission had been appointed some time ago, of which he had had the honour to be placed at the head. The Commissioners had been labouring most assiduously, and they soon came to a conclusion that the present mode of legislating in each particular case was one very much to be regretted, and ought to be abandoned as soon as possible. The judicial tribunal to be substituted for Parliament was a matter of much more difficulty. He trusted that on this point they had at last come to an unanimous conclusion. Their labours had, to a certain extent, been interrupted by the Administration of the noble Earl opposite (the Earl of Derby) because he had taken from the Commission one of its most efficient members — he meant the late Home Secretary (Mr. Walpole), who was a most admirable lawyer. That right hon. Gentleman had been of great assistance in the early part of the labours of the Commission. The course of events having restored him to the Commission, he had attended its meetings, and the Commissioners had greatly benefited by his assistance, and the Report would very shortly be in the hands of their Lordships. In respect of the subject of the Registration of Deeds, he regretted that it met with the opposition of the noble and learned Lord opposite (Lord St. Leonards), for whose abilities as a lawyer he had a most sincere respect, and whose opinion was entitled to the greatest weight; but nevertheless it must be borne in mind that Lord Bacon, Lord Hale, and other most illustrious jurists, were in favour of registration. His noble Friend had correctly stated that when he (Lord Campbell) had the honour to be made Solicitor General by Lord Grey, it was made a condition that he should not introduce, as it would be inexpedient to do so in the then state of the public mind, any Bill for a general registration. But why? Because at that period the question had only recently been brought before the public, and Earl Grey thought, and thought wisely, that until public opinion took a different direction from that it then held on the subject, there would be nothing but difficulty in proposing any measure in reference to it. But public opinion had now taken a different direction, and the noble and learned Lord opposite was in that House almost the solitary opponent of a measure for registration. When the subject was brought forward by the Real Property Commissioners in 1830, it met with very general opposition, and a large majority of the Select Committee appointed to consider the question were decidedly opposed to it; but, after having sat for about six weeks, an almost perfect unanimity prevailed with reference to the desirableness of such a measure. He believed, also, with the solitary exception of country solicitors, the whole country was favourable to the plan of registration. The noble and learned Lord had referred to the opinions of the landed interest on the subject. That interest, he presumed, was well represented in their Lordships' House, and a majority of those who constituted the Select Committee on Burdens on Land were even Protectionists. That Committee, however, which was called upon to enter into the whole question of the burdens on land, reported that it found the most intolerable burden to be that of the expense of the transfer of real property; and the Committee wisely thought that one mode of removing this burden would be by a system of registration. The noble and learned Lord was quite correct in saying that registration would not in the first instance lessen the expense of the transfer of landed property. At present, however, every one knew that the greatest expense connected with the transfer of land arose from the necessity of ascertaining whether the vendor really possessed the interest in the estate which he professed to sell. After a plan of registration had been in operation for a few years, there would be an end to this uncertainty and consequent expense. Registration of deeds was not to be considered as a final measure; it was, in fact, only the beginning of a new and improved system. He trusted that his noble and learned Friend would devote his great learning, experience, and talent while he had leisure—he could not tell how long that opportunity might be afforded him—among other matters, to shortening the length of deeds, simplifying the forms of conveyancing, and instead of feoffment and livery of seisin, bargain and sale inrolled, lease and re-lease, and covenants to stand seized to uses, to invent one short and simple mode, by which land could be transferred. By so doing he would confer additional lustre on his name. With respect to registration, he might say that it had been found to work well in Scotland; it was employed in all our colonies, and there certainly appeared no reason for supposing that it would not be found to work equally well in England. With reference to the proposed digest of the Statute law, the noble and learned Lord on the woolsack had certainly an arduous task before him. No possible objection could be made to such a work; until, however, the whole was completed, no part should be allowed to come into operation; and when it was entirely completed and laid before the House, it would undoubtedly be a noble achievement. There were great difficulties in the way of carrying out the digest; he might allude, for instance, to the law of treason, from the 25 *Edw.* III. down to the late Treason Felony Act. Again, any attempt to digest the laws relating to the election and confirmation of bishops would probably set the whole country in a blaze. He concluded by wishing his noble and learned Friend ample success in the noble career which he had marked out for himself.

Bill read 1ª.

SIR CHARLES WOOD'S SPEECH AT HALIFAX.

The MARQUESS of CLANRICARDE, in pursuance of notice given by him on a previous occasion, rose to ask whether Her Majesty's Government had any objection to lay upon the table copies of the Communications between the British and French Governments respecting the establishment of the French Empire. The noble Marquess said, that had he been aware, when he gave notice of his intention to put the question, that a notice of a question on the same subject had been given in the House of Commons, he should have postponed his notice, in the hope that the explanations which might be made in the other House would have been satisfactory. Having given that notice, however, he felt it incumbent on him to ask, without further delay, some explanation of the views of Her Majesty's Government regarding the extraordinary speech to which he then alluded—the speech lately made by his right hon. Friend the President of the Board of Control at Halifax.

The real question was, not whether an individual Minister might have committed an indiscretion, or uttered hastily words or phrases without due reflection; but whether the Government of this country and the Government of France continued to hold the same cordial amity and friendship which had recently existed between them, and which friendship and cordiality he believed, in the present circumstances of the world, were the surest guarantee of the continued peace of Europe. He did not wish to attribute more importance to the speech of any individual Minister than was necessary; but it was utterly impossible to say that a speech in public of a Cabinet Minister was at any time without importance; and, unfortunately, the speech to which he had alluded had been circulated throughout the whole of the kingdom, and had also been circulated, he regretted to say, abroad, and it was within his own knowledge that great attention had been attracted to the speech in Paris. He had already said that he did not wish to attach any particular or too much importance to this speech; but at the same time considerable publicity having been given to the expressions it contained, he thought it was most desirable that the House should have an explanation from the Government of the terms upon which Her Majesty's Government stood with the Government of France. However unwilling they might be to attach undue importance to the words of an individual, he could not, for one, subscribe to the doctrine which he had heard and seen advanced, that a Cabinet Minister, a confidential servant of the Crown, was not bound to exercise more discretion in his language to the public, than a person upon whom no such responsibility was placed. Indeed, upon many important occasions the views of the Government upon coming events had been given to the people of this country in the shape of addresses to electors; and it was impossible for any man to deny that in former and even in later years, words dropped from the lips of Cabinet Ministers had exercised a most important effect upon public interests. No one could be conversant with the history of the last European war, its continuance, or partial cessation, without perceiving that its partial cessation and its renewal were much affected and influenced by expressions which had fallen from public men. Many of those ill-timed expressions produced the greatest effect upon the continuance and character of the war, while they vastly increased the difficulties which surrounded the establishment of peace. More than that, their Lordships could not but remember that only last year, upon both sides of the House, great importance was attached by leading men to articles which appeared in the newspapers, and to particular phrases which those articles contained with reference to the authorities and Government of France. He considered, however, that articles which appeared in the newspapers were entirely different from expressions uttered with the responsibility of persons holding high positions in the Government of the country. It was impossible for the Government of this country ever to be held responsible for what might arise in that free discussion of the public press, which, thank God! they had ever been enabled to preserve. That was the stand which their Lordships took upon that occasion: but here that excuse did not apply. He had no wish to repeat the particular words of the speech to which he had alluded, nor to inquire into the justice of the strictures which might or might not have been made. He wished, however, to know whether those strictures in any way conveyed the views and sentiments of Her Majesty's Government? If the Government were anxious to maintain the dignity, the honour, and the credit of the Crown and of the country, they must not only take care that their own honour and dignity were kept unsullied, but they must also be sincere in the professions which they held out to the world, and they should take care not to wound the dignity, character, or feelings of those towards whom they professed feelings of friendship and amity. He believed that, so far as the personal feelings of the Members of the Government were concerned, there was a desire to maintain feelings of amity towards the ruler and people of France. It was with the confident hope of receiving an explanation of the opinions of the Government that he had then ventured to bring the subject under the notice of their Lordships. With respect to the particular papers for the production of which he asked, he apprehended there could be no difficulty in laying them upon the table. He was of course entirely in the hands of the Government with reference to the matter. But, as the noble Earl who lately held the seals of the Foreign Office (the Earl of Malmesbury) had informed the House, early last December, that communications had been received from France with reference to the establishment of the French Empire, and that Her Majesty had speedily, and without difficulty, recognised the Empire, he presumed those communications had been reduced to writing, either in the shape of notes between the two Governments, or recorded in despatches to or from the British Ambassador at Paris. If there were any reason why any part of those despatches, or the whole of them, should not be produced, of course the noble Earl at the head of the Government (the Earl of Aberdeen) would decline to produce them. If, however, as he apprehended, those communications would be found to exhibit merely expressions upon both sides of cordial goodwill and good understanding, there could be no harm in their being produced. He trusted that in any case their Lordships would receive an assurance from the Government that nothing had occurred to lead to a cessation of that cordial and sincere alliance which the noble Earl (the Earl of Malmesbury) informed the House then existed.

The EARL of ABERDEEN: I trust, my Lords, that it is not necessary for me to give an assurance of the earnest desire entertained by Her Majesty's Government to cultivate the most intimate relations of friendship and alliance with the French Government, or to state our opinion that so long as the policy of France is a policy of peace and friendship, neither we, nor any other State, have any sort of right to interfere in the internal concerns of that country, with their form of government, or with the dynasty which the French people may please to choose. I am happy, in answer to the question of the noble Marquess, to assure your Lordships that the best possible understanding continues unbroken between the Governments of the two countries, nor is there anything which could appear in the least degree likely to endanger or diminish the cordiality of that good understanding; and I will venture to say that no person is more eager to maintain this good understanding in its full integrity than my right hon. Friend to whose speech the noble Marquess has just alluded (Sir Charles Wood). The noble Marquess has neglected or omitted to describe the circumstances under which that speech was delivered. It was a speech made by the right hon. Gentleman to his constituents, and with a freedom of expression which, perhaps, might have been employed inadvertently, and in which he used terms which he would not have employed had he been addressing the House of Commons. I am sure the noble Marquess will recollect the circumstances under which these expressions were used. The right hon. Baronet was addressing his constituents, and arguing against the wish which would seem to have existed among some of them in favour of universal suffrage and vote by ballot. In doing so he pointed out—and had it not been for the freedom of expression, which I dare say he regrets as much as I must regret it—an argument, which, whether good or bad, was still a perfectly legitimate one—that the existence of universal suffrage and vote by ballot had not prevented a state of things, and a state of law, in France, especially as affecting the freedom of the press, which we should very much deprecate seeing established in this country. That is the substance of the statement of the right hon. Baronet. In that I see not much to complain of, nor, indeed, anything to which any man can possibly object. With respect to the spirit in which the right hon. Baronet spoke, I am assured by him that he "can state with the utmost sincerity that nothing could be further from his intentions than to use any words which could be considered as offensive to the Emperor, and regrets that any expression should have fallen from him upon that occasion upon which such an interpretation could have been placed." Now, although I admit that the expressions are not so respectful as might have been used towards the Sovereign of a friendly State, yet still the substance of the argument was such as I have stated, and which he was perfectly justified in using. The right hon. Baronet having expressed his regret that any interpretation should have been placed upon expressions used inadvertently by him, upon such an occasion as that of addressing his constituents, I think the noble Marquess will agree with me in the propriety of taking no further notice of the matter. The more important part of the address of the noble Marquess was that in which he expressed an opinion that the effect of the speech to which he had alluded had been to throw some doubt upon the continuance of those amicable relations with France, which he wishes to see continued. I hope I have upon that subject satisfied the noble Marquess, and completely set his mind at rest; and he may rest assured that nothing has occurred to interrupt in the least degree the friendly relations of the two countries. With reference to the production of the correspondence on the recognition of the French Government, I think, although there might be some portions of that correspondence produced without objection, that it would be inconvenient to lay so much before the House as would be necessary to lead to a correct understanding of the subject. I think, therefore, that it will be more expedient for the noble Marquess not to press further for the production of the papers in question.

The MARQUESS of CLANRICARDE was understood to express his assent.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 14, 1853.

MINUTES.] NEW MEMBERS SWORN.—For Lichfield, Lord Alfred Henry Paget; Cavan, Sir John Young, bt.

PUBLIC BILLS.—1° Union of Benefices.

SIR CHARLES WOOD'S SPEECH AT HALIFAX.

MR. DISRAELI: Sir, with reference to the question of which I gave notice on Friday, relating to a speech delivered by the right hon. Gentleman the President of the Board of Control, who, I am sorry to hear, is unable to attend to-day, I would, if it were more convenient to the Government, and would be considered more fair to them, mention generally the subject of our relations between Her Majesty's Government and the French Government before going into Committee of Supply on a future day, and thus give them an opportunity for more explanations than the present occasion would probably allow. But it is according to what may be the wish of the Government that I shall shape my course.

LORD JOHN RUSSELL: My right hon. Friend the President of the Board of Control is unable to attend from indisposition; but as the right hon. Gentleman has given notice of his intention of putting the question to-day, I think he had better proceed with it at present.

MR. DISRAELI: Of course I cannot have the slightest objection to do so. I do not know whether it is necessary for me to call the attention of the House to the paragraph alleged to have been contained in a speech recently delivered at Halifax by the right hon. Gentleman the President of the Board of Control to his constituents. I read it the other night. If it is considered requisite by the House, I will read it again. The right hon. Gentleman had occasion to speak with reference to the conduct and motives of the present Emperor of France, and in so doing he used these expressions:—

> "Take our nearest neighbours. Such a despotism never prevailed in France, even in the time of Napoleon the First. The press gagged—liberty suppressed—no man allowed to speak his opinion—the neighbouring country of Belgium forced to gag her press—no press in Europe free but ours, which, thank God! he cannot gag. And hence his hatred of our press, that it alone dares to speak the truth."

I wish to inquire, and I hope to receive an answer from the noble Lord, whether that is an accurate and fair report of the sentiments that were expressed on that occasion by the right hon. Gentleman the President of the Board of Control?

LORD JOHN RUSSELL: Sir, the right hon. Gentleman, in alluding to this subject the other night, stated that my right hon. Friend the President of the Board of Control had taken occasion, in a speech delivered by him at Halifax, to advert to our foreign relations, and to say that, on speaking of France, my right hon. Friend said so and so—reading the words which he has repeated this evening. Now, in the first place, I think it necessary to state that what my right hon. Friend said was not in a speech upon the subject of our foreign relations, to which he was not adverting at the time, but he took occasion in the course of his speech to the electors at Halifax to argue the question of universal suffrage and parliamentary reform generally, and used such illustration as he thought appropriate to that subject. There is a very great difference between using an argument upon the subject, and going over our foreign relations and speaking of France in the manner which the right hon. Gentleman suggests. But I thought it necessary, after what the right hon. Gentleman had said to this House, to call upon my right hon. Friend, and I have since received a letter from him on the subject, which with the leave of the House I will read, as it contains a far better explanation than I can pretend to give of my right hon. Friend's own impression on the subject. He says—

> "I am sorry to hear that any expressions reported to have been used by me in addressing a meeting of my constituents at Halifax should have been understood as offensive to the Emperor

of the French. I cannot pretend to say whether I did or did not use the precise words contained in the reports of my speech, but it is very possible that, speaking as I was, without any premeditation, in a meeting of that kind, an incautious expression may have escaped me. I was pointing out the advantages of temperate and well-considered reform, as contrasted with more violent and precipitous measures, and, in proof of this, I referred to the events of the last few years in neighbouring countries, where the temporary success of the extreme revolutionary party had led to the establishment of arbitrary power, and in France that this had been carried to an extent unprecedented in the time of the first Emperor, and with the consent of the French people, who had on two occasions, voting by ballot and on the principle of universal suffrage, sanctioned the course pursued by the President and Emperor. I expressed no opinion on the conduct of the Emperor, or indeed of any one, though I cannot conceive that an English Minister is to be precluded from adverting to what he understands to be the state of things on the Continent; but I can say, with the utmost sincerity, that in doing so, nothing could be further from my intention than to use any words which could be considered as offensive to the Emperor, and I regret that any expression should have fallen from me on that occasion on which such an interpretation can have been placed."

THE NAVAL FORCE OF FRANCE.

Mr. COBDEN: Sir, I wish to put a question to the noble Lord the Secretary of State for Foreign Affairs; and, to show its necessity, I will preface it by reading some extracts from a letter which appeared in the *Times* of Saturday last, signed by a Peer of the Realm, and which, arguing the question I am about to put, contains, amongst other similar statements, the following:—

"Peculiar circumstances have enabled me to obtain information, which cannot be doubted, upon important points bearing upon these questions; but before referring to it, I would state that I lived in France, have been on terms of intimacy with many Frenchmen, and have lost no opportunity of making myself acquainted with the state of public feeling. I never met the man who, if pressed, did not admit that no conviction as to what their interest might be could prevent the longing desire to have their revenge for the events of the last war. I would defy even any Frenchman to assert that the force which they were known to possess last year was not amply sufficient for any purpose which France could require, excepting for that of an invasion of our possessions."

He says—

"I therefore contend that every additional ship to that great force—they have now more sailors in their pay than we have, without our vast colonial empire—is an additional proof that they do contemplate a descent on our shores. I have received positive information, which cannot be doubted, that they are now striving to the very utmost to increase their naval force in every manner, and that arrangements have been officially decided upon to continue year after year similar exertions. I cannot give my authority, but trust that I shall be believed when I say that this information may be most thoroughly relied upon."

And at the conclusion of the noble Lord's letter, he says—

"I repeat that the information I have received, of preparations which can only be made for aggression, may be relied on."

It cannot be doubted that a statement of this sort—a statement of facts made from his own peculiar knowledge and peculiar means of information by the noble Lord—must make a great impression on the country; and the question I have to put, and of which I have given notice to the noble Lord, is, whether the British Government has had any communication with the Government of France with respect to the increased naval preparations alleged to be going on in that country?

Lord JOHN RUSSELL: Sir, with respect to the question with which my hon. Friend has concluded, I have to state, that although it is true that the French Government have thought right both to increase and to improve their naval means, yet that increase and that improvement have been going on gradually; and, considering that France is a great maritime country, I think it is not at all such as to justify or require the Government of this country either to remonstrate or make it any question with the Government of France. I will just say that the relations between the two countries are of the most friendly nature; and I may say, speaking generally of European affairs, that the best understanding prevails between the two Governments. With regard to the information in the letter of the noble Lord, to which my hon. Friend has alluded, I certainly must profess my ignorance. I believe this Government has tolerably good information, and I believe that there is no concealment on the part of the Government of France with regard to the improvement and increase which they are making in their ships. But with respect to such information as that communicated by the noble Lord, I certainly have none whatever. All I know is, that in that letter the noble Lord has made some awkward mistakes, for he speaks of the withdrawal of an ambassador in consequence of the Pritchard dispute, on which occasion no ambassador was withdrawn by this country; and I should say, on the evidence of that letter, and of a former letter published in the *Times,* that whatever information Lord Mount-Edgcumbe may have received from the ports of France, he is very ill-informed with respect to what passes in my house. His statement with regard to what passes in a house in London, which happens to be my house, is totally inaccurate. I do not attach quite so much value as my hon. Friend appears to do to the statement of a Peer of the Realm, because there are Peers of the Realm whose authority is by no means infallible.

GENERAL BOARD OF HEALTH BILL.

Order for Committee read.

House in Committee.

SIR GEORGE PECHELL, having presented a petition from Brighton, praying that that town might not be included in the Bill, said he begged to express his pleasure at seeing the right hon. Baronet below him (Sir W. Molesworth) a member of the Government, because he was sure that he would speedily make himself master of the entire subject to which the measure before the House related. During the last ten months the Board of Health had been legislating by provisional orders, which it was quite impossible for those who had to supervise them to comprehend; and he (Sir G. Pechell) felt certain that there were not ten Members of the last Parliament, nor one of the new Parliament, who understood the merits of the question. A provisional order was at present to be obtained from the Board of Health by an application from any town signed by one-tenth of the ratepayers, and when the order was obtained it required months and years to comprehend it. He hoped that the House would prevent the Board of Health from issuing such orders for the future, especially as the powers conferred by them were so extensive. He had confidence in the right hon. Baronet, and hoped that he would take care that some change should soon be made in the present unsatisfactory manner of conducting business by the Board of Health. In fact, the system required to be totally altered. He should not at that stage oppose the introduction of the town of Brighton into the Bill, but he trusted that the inhabitants would be allowed sufficient time to express their opinions on the subject.

SIR WILLIAM MOLESWORTH said, he would not enter upon a defence of the present constitution of the Board of Health, which would terminate at the end of the next Session of Parliament. Before that period he thought that a measure ought to be introduced for the reform of that Board, and then the whole question would be properly considered. Two deputations had waited on him with regard to the application of the Bill to the town of Brighton; the one had stated to him that the unanimous feeling was in favour of the measure, while the other had opposed it. His answer had been that, unless the majority of the ratepayers were favourable, he should not include the town in the operation of the Bill.

Bill *Reported;* as amended to be considered on *Friday.*

House resumed.

LAND TAX COMMISSIONERS NAMES BILL.

Order for Committee read.

MR. W. WILLIAMS said, he objected to the power given to the county Members to name the Commissioners of Land Tax. He considered that he had as good a right as the Members for the county of Surrey to name these Commissioners. He had some names to propose, and though he had no doubt they would be put on if he mentioned them to the Members for the county, he objected on principle to take such a course. His constituency was more than twice that which returned the four Members for the county. Why, therefore, should he ask them as a favour to put these names on? Some years ago, when a similar Bill was brought in, he divided the House on the insertion of the names so often, that the Secretary of the Treasury gave way, and he obtained his point. He would take the same course again, if necessary. But he hoped the Government would not sanction an absurd custom, and put him to the trouble of dividing the House, which would occupy an inconvenient length of time.

MR. HUME said, he would also submit it to the Government whether, as a change must take place in the mode of assessing the income tax, a change should not also be made in the mode of appointing the persons who were to carry the Act into effect. These Commissioners were appointed, not by the authority of the responsible advisers of the Crown, but by cliques throughout every part of the country. He had known this carried to an extent that would hardly be credited. In the case of Mr. Fielden, these Commissioners assessed that gentleman to a large amount of profit, and distrained his goods, although it was clear that he was a loser by his business for the two preceding years, and the Government declared that they had no power to interfere. In the old times when Tory Members represented almost all the counties, they had Tory Commissioners from one end of the country to the other. The time was now come when the mode of electing the Land Tax Commissioners must be altered, and when all who had to do with the levying of the tax ought to be appointed under the authority of the Crown. He therefore begged to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the abuses which existed in many districts, where persons went before the Commissioners and stated that they were assessed at double and treble the real amount of their income, and afterwards, when they appealed to the Chancellor of the Exchequer, they were told that he had no power to help them. That was a very disgraceful state of things, and ought to be redressed.

The CHANCELLOR OF THE EXCHEQUER said, that he understood his hon. Friend the Member for Montrose to state the great hardship which arose to individuals from the circumstance that the Government had no power to interpose in cases where the assessment was too high, and to propose that the Government should take power in order to enable them to meet such cases. But he (the Chancellor of the Exchequer) would like to know if his hon. Friend proposed to accompany that proposition with power for the Government also to interpose in cases where the assessment was too low; because, although there might be grievances in certain spots and quarters from the assessment being too high, yet the real evil which they had to deal with was the great inequality of the assessment; and therefore he should like to know from his hon. Friend, who had great experience, whether he proposed that the Government should be invested with the power he had described?

MR. HUME said, that at the present moment the assessed taxes were levied by the Land Tax Commissioners appointed under this Act. The power of appointing the officers to collect the income tax, therefore, did not rest with the Government; and what he required was, that the powers given by the Act called the Land Tax Act should be abrogated, and that nobody should be appointed to collect the income tax except under the authority of the Chancellor of the Exchequer, and the Treasury. Under the present system the Government could neither increase nor decrease the assessment. Looking on the income tax as likely to become a part of the permanent taxation of the country, he thought the assessment ought to be placed on as just and equitable a footing as possible.

SIR GEORGE PECHELL hoped the grievance complained of by the hon. Member for Lambeth (Mr. W. Williams) would be remedied in the present Bill. It was not a proper state of things that large cities and boroughs should be obliged to submit their lists of additional Land Tax Commissioners through the medium of the county Members.

MR. FREWEN said, that the law had never been altered since the Reform Bill passed; so that whilst the old Parliamentary boroughs still retained their former power of appointing their own Land Tax Commissioners, it devolved upon the county Members to appoint Commissioners for the new boroughs.

MR. J. WILSON said, that it was proposed to postpone the Bill till the 11th of April, by which time he hoped to be able to answer the remarks that the hon. Member for Lambeth had just made. If the hon. Member had communicated with him before the Bill came under discussion, he (Mr. Wilson) would have taken care to inform himself of the particulars of the grievance alluded to. He would, however, investigate the matter before the subject again came before the House, and would inquire if there was a practical mode of remedying the evil complained of.

Committee *deferred* till *Monday*, 11th April.

METROPOLITAN IMPROVEMENTS (REPAYMENTS OUT OF CONSOLIDATED FUND).

The House having gone into Committee,

The CHANCELLOR OF THE EXCHEQUER said, that the Resolution which he had to put into the Chairman's hands explained the nature of the Bill which he proposed to ask leave to introduce. The Resolution was to this effect:—

> "That the several sums of money which have been borrowed in pursuance of various Acts of Parliament on the security of the Land Revenues of the Crown, and certain other moneys charged on the London Bridge Approaches Fund, for the purpose of Metropolitan Improvements, shall, with the interest thereon, be charged upon and made payable out of the Consolidated Fund of Great Britain and Ireland."

And his first duty was to express his

gret, that owing to an inadvertence, the nature of the Resolution was not accurately explained by the entry which stood on the Votes, for that entry was certainly susceptible of the interpretation that it was intended to create a new charge on the London Bridge Approaches Fund in regard to the coal dues levied. Now, there was no intention whatever to make any change, slight or serious, in the position of the Government in relation to the coal dues. The whole change proposed by this Bill was purely a financial arrangement as between one fund which formed part of the revenue of the country, and another resource of the country, namely, the Consolidated Fund; and the simple object of the Bill was by discharging certain sums of money out of the Consolidated Fund, to escape from the payment of the interest to which the Land Revenues of the Crown had for some time been, and were now, liable, in respect of considerable sums of money borrowed from private parties to enable metropolitan improvements to be executed, and which money was secured by assignment, under the name of the coal dues, on the London Bridge Approaches Fund. He hoped that he had conveyed clearly to the House the general purpose of the Bill, which would effect material economy with regard to the public expenditure, by avoiding the burden to which the public was subject by the continued payment of interest; and when the clauses and details of the Bill were before them, he had not the least doubt that the House would be satisfied with its object.

MR. HUME said, he trusted that the effect of the Bill would not be to bring any additional charge upon the Consolidated Fund.

MR. BLACKETT said, that having presented a petition that day from his constituents (Newcastle-on-Tyne) on the subject of this Bill, he might say that he was satisfied that the petitioners would be ready to acquiesce in this Bill, provided he received an assurance from the right hon. Gentleman that it would not add a penny more of charge to the London Bridge Approaches Fund.

The CHANCELLOR OF THE EXCHEQUER said, that his anxiety was to let the House know that there would be no additional charge placed on the London Bridge Approaches Fund whatever; but now there was another alarm raised on the part of his hon. Friend (Mr. Hume) with regard to the Consolidated Fund. Now, no new charge would be created upon the Consolidated Fund by this Bill. On the contrary, it would in point of fact afford a real relief, and the deduction would go hereafter to Ways and Means, and so would swell the Consolidated Fund.

SIR HENRY WILLOUGHBY said, he would ask whether any portion of this charge would fall upon the Land Revenues of the Crown; and also what would be the precise amount required to be paid out of the Consolidated Fund to effect the proposed object?

The CHANCELLOR OF THE EXCHEQUER said, that he proposed to exonerate the Land Revenue entirely from any portion of this charge for the future. The operation would take time, because a portion would be liquidated at once, and a portion would require a short notice. The hon. Baronet had asked what would be the precise amount. In answer to that, he said that the precise amount borrowed from the various parties was 895,000*l.*, and that the sum paid up to the present date, for interest, was about 140,000*l.* Putting these amounts together, they obtained 1,035,000*l.*; but then there were deductions from that, partly from the sale of Crown rents, and partly on account of considerable sums which would be forthcoming from the produce of the coal dues, about 90,000*l.*; so that the sum to be advanced out of the Consolidated Fund at present, or within the next few months, would be about 940,000*l.* or 950,000*l.*

Resolution *agreed to.*

House resumed.

SHERIFFS' COURTS (SCOTLAND).

The LORD ADVOCATE said, he rose to move for leave to introduce a Bill to facilitate procedure in the Sheriffs' Courts of Scotland. His predecessor in office had intended to introduce a measure for the same object, but was prevented from doing so by the resignation of the late Government. He had, however, placed at his (the Lord Advocate's) disposal all the materials which he had collected on the subject—an advantage of which he had to a considerable extent availed himself in the preparation of the present Bill. He wished as briefly as possible to state to the House the object and scope of the measure. It would be a great mistake to suppose that the Sheriffs' Courts in Scotland were analogous in any material degree to the County Courts in England. Scotland was not, like England, now trying an experiment for the first time, for the administration of cheap and expeditious justice, through the medium of local tribunals. They had had Sheriffs' Courts in each county of Scotland for many centuries; and after the rebellion of 1745 those courts were placed on the footing upon which they still stood. A sheriff-depute, or acting sheriff, was appointed from the bar of Scotland for each court, with the power of appointing a substitute to act in the county. The jurisdiction of the sheriff was unlimited as to pecuniary amount —he was also a criminal judge, and a Ministerial officer, and, in fact, the functions and office of the sheriff in Scotland were necessarily bound up with the whole action and working of the legal and political machine. The system of Sheriffs' Courts was not unpopular in Scotland—he believed the reverse of that was the fact. Still abuses had crept in, and delay and expense were occasioned from three causes, which it was the object of this Bill to remove—namely, first, because the pleadings were not conducted orally, but were committed to writing; secondly, because the proofs or depositions must also be committed to writing; and the House might easily judge what a fruitful source of expense and delay this would give rise to; for sometimes these proofs extended over weeks, months, and even years, whereas the process of taking witnesses' evidence *vivâ voce* was a very different and much more expeditious process indeed; and, thirdly, because facilities were given and used for appealing on mere matters of form from the sheriff substitute to the sheriff principal. To remedy these evils he proposed to deal first with the ordinary jurisdiction of the sheriff in cases above 50*l.* This category included questions of injunctions, and of actions to be performed or prohibited, which might not be capable of pecuniary estimate, but they were often very important, and he was not prepared to assert that there should not be, in regard to this class of cases, a more deliberate mode of judgment. He would next deal with cases of between 12*l.* and 50*l.*, and then with cases under 12*l.*; but in regard to them all he proposed was, to do away entirely with written argumentative pleadings and depositions. This was, no doubt, a considerable innovation upon the practice of Scotland, but he believed it was perfectly safe and practicable, and he was sure it would be most beneficial. He proposed, instead of written proofs and pleadings, that in all cases the sheriff who heard the case should take a note of the evidence, and that if the judgment should be reviewed the review should proceed upon his notes; and whenever a case was argued it should be argued orally, and the sheriff in like manner should take a note of the argument and state his judgment, and the review should proceed only upon his notes. He did not propose to interfere with the office of sheriff principal, but he would provide that in cases over 50*l.* (looking at the importance which might attach to them), some form of oral pleadings should take place before him. He also proposed to introduce into the ordinary Sheriffs Court the same form of process which had been adopted with success in the Sessions Court under the Act known as Rutherfurd's Act. Then with respect to cases below 50*l.*, the question which arose was this—whether they should be treated on the same footing as cases above that amount, or whether the small-debt jurisdiction (as it was called) should extend to them. He proposed to take a medium course, and therefore, in regard to cases between 12*l.* and 50*l.*, he provided that a short form of summons and of defence should be adopted, and that there should be an appeal allowed to the sheriff principal, but without written pleadings, in the manner before-stated. An appeal to the sheriff under this Bill would not cost more than half-a-crown. The real point to be aimed at in a measure of this kind was, not to sacrifice any one of the great elements of justice, soundness of decision, economy, and expedition, to the attainment of the rest; but to combine all three together, otherwise the machine would fail of its due end. He had a strong impression that many cases might occur between the limits of 12*l.* and 50*l.*, with respect to which it was not at all desirable that they should do away with the safeguards now existing. In regard to cases below 12*l.*, he should leave the jurisdiction as it was at present, only allowing procurators to act in cases above 5*l.* He did not propose either to make any change with respect to the office of sheriff substitute. In 1818 a Parliamentary Commission was appointed to consider, among other things, how far it would be expedient to abolish the system of the sheriffs principal resident in Edinburgh. The Commission reported that in their opinion it would not be desirable to compel the sheriffs principal to reside in their counties, and that there were great advantages in having the services of lawyers who were in daily attendance upon the sittings of the

Supreme Court. The same question was discussed in 1835, when a preponderating weight of testimony was given in favour of the non-residence of the sheriffs principal. According to the present system, in every county you have a resident local administrator of the law, well competent, by his knowledge of its practice, to act in that capacity. He could not forget that one of the weapons most easily blunted was that of legal change. When Sir Robert Peel was in office as Home Secretary, a rule was laid down that no man should be appointed sheriff who had any local connexion with the county, and this rule had been adhered to since that time. He had introduced into this Bill a provision with respect to removals of tenants, which he thought would do away with a very great anomaly now existing. He proposed that a stamped lease should be held a sufficient warrant on a summons of ejection. He did not propose at present to make any change with respect to the salaries of the sheriffs principal, and in regard to sheriffs substitute he was not at present in a position to say anything, not having yet had an opportunity of communicating with the Government on the subject. He trusted that the measure of which he had thus given an outline would in a great measure remove the evils at present felt, and thus confer a material boon on the people of Scotland.

Mr. HUME said, he thought part of the learned Lord's statement would be received with great satisfaction—he meant that part which promised the removal of abuses, than which nothing could be more absurd; but he doubted much whether the people of Scotland would be content with a half measure like this, when they saw how much room there was for more important changes. He doubted very much whether the learned Lord was right in making the distinction he proposed to establish between 12*l.* and 50*l.* cases. Simplification of process and lessening of costs should be the two great objects which the legislator should propose to himself. He was sorry that any defence of legal sinecures should be attempted at this time of day, and would counsel the Government to abolish the office of sheriff principal. The people of Scotland wished to have an efficient local judge, properly paid, instead of keeping thirty-three or thirty-four gentlemen in Edinburgh, who had very little to do, and were very highly paid. Scotland would not be content without the same measure of law reform which had proved so satisfactory for England.

Mr. CUMMING BRUCE said, the explanation of the Lord Advocate had given him great satisfaction. He was quite of opinion that the useful and honourable office of sheriff principal should be maintained. The sheriffs substitutes were a very useful set of judges, and had been of great service to the country, but the confidence felt in their decisions would be impaired if the power of appeal should be withdrawn; and therefore he was pleased to find that the right hon. and learned Gentleman intended to retain it.

Mr. CRAWFURD said, he thought the amount of the sum in dispute offered no ground at all for establishing any distinction in respect of the mode of trial. He should wish to see the whole system of the Courts in question reduced to a simple method of oral examination, and also the appellate system abolished. It was his intention, had not the present Bill been introduced, to have proposed the appointment of a Committee to inquire into the subject, and he should still reserve to himself the right of bringing in a Bill if he were not satisfied with this.

Mr. DUNCAN said, he approved of the general outline of the measure, and was happy to find that the Lord Advocate was disposed to adopt any suggestions proceeding from Scotch Members which were calculated to improve the Bill.

Leave *given.*

Bill *ordered* to be brought in by the Lord Advocate and Mr. Edward Ellice.

OFFICE OF EXAMINER (COURT OF CHANCERY).

The SOLICITOR GENERAL said, he begged to move for leave to bring in a Bill for the further regulation of the office of Examiner in the Court of Chancery. The House would recollect that in the last Session of the last Parliament a large portion of that reform so much needed by the Court of Chancery was embodied in a statute. He said a large portion, because much yet remained to be done, and, for his part, he would never be content until that should be effected, without which all law reform would prove ineffectual—namely, the consolidation of jurisdiction, and the administration of equity and common law from the same bench. By the statute passed in the last Session, the examiners were required to take evidence orally instead of by deposition. It was found, however, when it became necessary to appoint new Examiners, that the oaths prescribed to be taken under the old Act, and adopted in the new one, were inapplicable to the new duties which those officers had to perform. One of the objects of the Bill which he sought to introduce was to make the required alteration in the oath. The statute of the last Parliament also omitted to state what qualifications the Examiners ought to possess, and this was a defect which he proposed to supply. The Bill would further establish some new regulations for the payment of the salaries and pensions of the Examiners.

Leave *given*.

Bill *ordered* to be brought in by Mr. Solicitor General and Mr. Attorney General.

COAL DUES IN THE METROPOLIS.

SIR JOHN SHELLEY said, he begged to move that a Select Commitee be appointed to inquire into the operation of the Laws under which Dues or Taxes are levied on the introduction of Coals into the Metropolis and the neighbourhood, the mode of collection, and the expenditure of such Dues or Taxes. He believed there was no opposition to his proposal on the part of Her Majesty's Government.

The CHANCELLOR OF THE EXCHEQUER said, that a question of vast magnitude was involved in the proposition. He understood the Committee would have to go into the consideration of the whole of the Acts of Parliament under which the dues in question were levied. Inasmuch as this was a closed question, and the dues were mortgaged for the payment of moneys advanced on the credit of the various funds, he did not think it all expedient that the Committee should be appointed to consider the original prudence of engagements which were now to be dealt with, not according to their original prudence, but according to the public interests involved in them.

MR. HUME said, he wished that the words of the Motion should run "into the nature and operation" of the Acts, which would give greater scope to its inquiries.

LORD JOHN RUSSELL said, the hon. Member for Westminster (Sir J. Shelley), having given notice of a particular Motion, it evidently should not now be altered. He thought the word "operation" alone gave ample sufficient latitude, and that all points of real utility would be included under the Motion as it now stood. On the part of the Corporation of the City of London, he had only to say that they were quite willing that inquiry should take place.

Motion *agreed to.*

The House adjourned at half after Seven o'clock.

HOUSE OF LORDS,

Tuesday, February 15, 1853.

MINUTES.] PUBLIC BILL.—1ª Vaccination Extension.

CLERGY RESERVES IN CANADA.

The BISHOP of EXETER moved, according to notice, that an humble Address be presented to Her Majesty for the *Government Gazette* of Canada, of May 8, 1849, or any other document in the Colonial Office, containing a copy of an Address to the Governor General of British North America, from the Romish Prelates and Clergy of Quebec, in the year 1849, and of the answer of his Excellency to that Address; also a Return whether the two Canada Acts, 12th Vict. cap. 136, and cap. 143, or either and which of them, were disallowed by Her Majesty; and also a copy of any official letter from the Lord Bishop of Quebec to his Grace the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, on the matter of Clergy Reserves in Canada. The right rev. Prelate said, that he felt that he owed to their Lordships some explanation for bringing before them at this time any question relative to a subject which it appeared, by the Votes of the other House of Parliament, it was the intention of Her Majesty's Government to deal with by a Bill to be introduced in that House the same night. It might seem strange that he did not await the arrival in their Lordships' House of that measure before he presumed to address to their Lordships any observations he felt bound to make regarding this question; but in truth he must confess, that the introduction of this measure elsewhere was his reason for bringing the subject before their Lordships. He thought that this House had a right to express, he did not say complaint, but he did say surprise, at the course which the Government had adopted; and he was of opinion that they had a right to hope that some explanation would be given by the noble Secretary for the Colonies (the Duke of Newcastle) why that Bill had not first been introduced in the House of Lords. It had emanated from that office, of which the noble Duke was the head; and for that reason, if for no other, they might have supposed that his Grace would have brought it forward himself; especially as at this season of the year their Lordships were not overburdened with business, and it had been a common complaint that they did nothing at the beginning and attempted more than was possible at the end of every Session. But that, he must be permitted to say, was not the only reason why they should have hoped that this Bill would have been introduced in their House. It might, he thought, fairly have been expected, that in a case in which the interests of religion were so immediately concerned, the Bishops would have been allowed an opportunity of expressing their sentiments early on the merits of the proposition, for it was very possible their Lordships would have received some information on the subject from the right rev. Bench. He understood that there could have been no difficulty about this, as the Bill contained no provisions which could not, according to the constitution, have been considered in their Lordships' House. There was nothing in it, as he was informed, which at all interfered with the rights of the House of Commons; and therefore, if he were to conjecture the motive for the preference given to that other House, and if he did not believe the noble Duke incapable of such a design, he could easily have conceived—indeed, it would have been impossible not to see on the face of it—that the object was to control this House by the voice of the other; and that it had been supposed that the Bill would have a better chance with their Lordships if it came to them only after its approval elsewhere. But fully acquitting the noble Duke, whom he could not think capable of taking such an advantage, he would pass on to show other reasons why this measure should not have been introduced, at least, thus early. It was most remarkable that this measure had been brought forward without the colonies having the slightest notion that any such measure was intended to be introduced. The whole history of the question showed that the colonies had been lulled into full security that such a measure would not be introduced without their having the opportunity of sending deputies to this country, who could stand forward and speak for them. Last year Her Majesty's late Government had returned, as its answer to the address of the Legislative Assembly of Canada, a refusal to transfer the power of dealing with the reserves to the local legislature—they were told that this was the resolution of the Government, on a view of what was due to the best interests of the colonies and of the empire. Soon after, the Administration which had shown such readiness to do the colonies justice was displaced; but the opponents of this measure in Canada had the fullest grounds for confidence that it could not, and would not, be introduced by the present Administration. At the head of that Administration they saw the noble Earl (the Earl of Aberdeen) whose whole life had been given to the support of those principles on which the security of the clergy reserves depended. They found that noble Earl at once declaring it to be his resolution to maintain the institutions of the country and of the empire; and, judging from the principles which the noble Earl avowed, they would naturally think the interest of religion in the colonies was one of those considerations which would have had a favourable regard and support from such a Government. Not the noble Earl only, but also the noble Duke near him (the Duke of Argyll) seemed a tower of strength to their cause. Certainly the noble Duke had never committed himself in any puhlic way; but from their previous knowledge of him, the colonists still regarded that noble Duke as incapable of seising upon and confiscating the clergy reserves; and he (the Bishop of Exeter) ventured to think that the colonists had sufficient reason to suppose that the noble Duke would have supported them. He (the Bishop of Exeter) would admit that when any statesman found himself involved in the duties of office, it was necessary for him to review the conclusions at which he had arrived on many important matters of public policy, and his duty to correct his previous impressions if required by his judgment and his conscience to do so. If, therefore, though the private impressions of the noble Duke were against the measure, he had substantially changed those opinions, he would be bound still to support the Bill, and he (the Bishop of Exeter) should honour him for yielding to reason and conviction. But whilst this might be so, it must none the less be remembered that the noble Duke's name had been a source of security to the colonists. But there was another noble Duke: to himself, as to them, the noble Duke's accession to office, and becoming an important Member of the new Government, was, he confessed, a strong reason for giving that Government credit for an intention to afford a true support to the Church of England—the Protestant Church as by law established. They saw the noble Duke in office, and in him they thought they could place the highest confidence. They saw likewise two Members of the other House of Parliament holding office whom they had the best reason to believe attached to the interests of religion and of our Church. They saw in the Government one eminently distinguished by every private virtue, as well as high in public estimation—one whom it was impossible even for those who disagreed with him to speak without respect and regard—he meant Her Majesty's Chancellor of the Exchequer. What did they know of him? That he first became greatly and favourably known to the world by the publication of a work on the relations of Church and State, in which he upheld the opinion that it was the first duty of Government to maintain and to advance true religion. Had not the Canadians, then, a right to suppose that the interests of the Church were safe in the hands of such an individual? Not only was he the author of this book; he had been more than once selected to represent a constituency, in whose judgment faithfulness to religious truth would be deemed an essential qualification of their representative. Nobody, therefore, could have been more trusted in the colonies, for if there was one question more than another on which the University felt strongly, it was this; and it was, of course, natural to expect that the chosen representative of such a body would hold and be faithful to the principles most likely to recommend him there. It was perfectly notorious that, during the late election, strong opinions had been expressed of the failure of the right hon. Gentleman in his adherence to those principles which had recommended him to that constituency in the first instance; and if there was one question more than another upon which the University of Oxford would feel strongly, he repeated, it was that to which he was endeavouring to draw their Lordships' attention. The colonists had a fair right to expect that the present Government would have pursued, in this particular, a course totally different to that which they were taking now, when we had a Bill brought forward in the other House, to confiscate the colonies' religious endowment. It would not, he presumed, be denied, that every member of the Canadian Ministry had committed himself to the secularisation of these resources, if but the power were given; and yet it was attempted to authorise the confiscation without consulting those most concerned—without giving the colonists an opportunity of sending deputations against it. A Canadian bishop was now in London, who, he believed, was not informed till last Saturday of the intended Bill. He then, for the first time, like their Lordships, knew of the proposition, by seeing it in the papers—that, he believed, was the first the Bishop of Quebec knew of the intention of the Government to bring in the measure, the announcement having been made on the previous night. He was sure that the noble Duke, who was officially responsible for the measure, would not do anything unfair; but the result of this proceeding would be to inflict most grievous injustice on the colonists, who were now depending on the pledged faith of the British Government. He hoped he should be excused if he reminded their Lordships briefly of the general history of these reserves. After the peace of 1783, a large number of American loyalists were located in Canada, and they were to a man members of the Church of England. It was because they were persecuted in their own country, and destitute of almost everything but what they carried with them, that they were thrown, he would not say on the generosity, but on the justice, of the British people. In consequence of that state of things His Majesty King George the Third—a name which need only be pronounced to fill every British heart with a grateful remembrance of the virtues with which he adorned the throne—that noble-minded man, that illustrious Sovereign—sent a message to Parliament, upon the settlement of the constitution in Canada, desiring that Parliament would enable him to make a grant of lands for the permanent endowment of the Protestant Church in Canada. That message was received with unanimous gratitude, and an answer was returned to the effect that Parliament would use its best endeavours to secure that which His Majesty desired. A measure was passed reciting the donation of the land by His Majesty, and containing enactments for the purpose of giving effect "in all time to come" to the act of the King, by which those clergy reserves were set apart which they were now called upon to consent to surrender. There was thus strong ground for saying that the national faith was pledged to the maintenance of the grant; and they might well conceive how great an inducement it must have been to the honest and loyal English subjects of those days to settle in Canada, to know that if they went thither they would have the means afforded them of paying their duty to God according to the forms of that Church of which they were the attached children. By the constitutional Act, Parliament and the Crown guaranteed to them that "in all time to come"—those were the very words—there should be that provision for the Protestant religion in the provinces of Canada. Unfortunately the provision was not sufficient to supply churches for the increasing number of inhabitants, and the natural consequence was that a godless population arose—a population that had ceased to have any feeling of attachment to the Church, because there had been no means of extending to them the great plan of the English parochial system. The result was that an agitation sprang up; but there was no agitation whatever in Lower Canada till the end of the year 1849; and it was surely too much to say that they ought to sacrifice to an agitation of three years' duration the claims of reason and justice, and the public faith of the country. In the Upper Province the agitation had existed a little longer; but so late as 1846 the principal leader of it declared that it was impossible to reconsider the question, for it must be looked on as finally settled. Were their Lordships, then, prepared to accede to the principle, that an agitation of four years ought to be allowed its demands? That would be rather an awkward precedent. He must remind their Lordships that agitation was not confined to Canada. Agitation was rife on the other side of the Irish Channel, and the parties who fomented it were at least as powerful as any in British North America. Was it likely that Parliament, by conceding the demands now made for the confiscation of the property of the Protestant Church in Canada, would discourage the agitation which was carried on in Ireland to put down what was called a "bloated nuisance?" He trusted that the noble Earl at the head of Her Majesty's Government intended to maintain in its integrity the Protestant Establishment in Ireland; but he would certainly furnish a dangerous precedent by consenting to the subversion of the Protestant Church in Canada. The principle which the noble Duke (the Duke of Newcastle) laid down was, that this was not a matter for the English Legislature, but for the Canadian Legislature to determine, and he might, perhaps, say, that Ireland being represented in the British Parliament, there was a broad distinction between the case of Ireland and Canada. Now if he (the right rev. Prelate) chanced to be an Irish Romanist, he should exult at the prospect of the precedent that was proposed to be set, and still more so at the reason given for it. He should say that, according to the noble Duke's doctrine, Ireland ought to be so represented that the wishes of the majority of its inhabitants should prevail. But then it was said that this was public property. And why public? Because it had been given, not for the permanent enjoyment of any private individuals, of any men, but for the service of God; therefore it was public property, and therefore it ought to be dealt with by the local Legislature. He knew not what their Lordships were prepared to do; but if they sanctioned such a principle as that, they would do what no other House of Lords had ever yet dared to dream of. Every previous House of Lords would have recollected that they would be setting a precedent, not simply for the spoliation of the Church, but seriously affecting many of themselves. If the Legislature had a right to reclaim property which had been granted by the Crown for the service of God, it would be said that it had equally a right to reclaim property which had been granted by the Crown to private persons, especially when that property had been derived in the first instance from the spoliation of the Church. A case had occurred within his own knowledge in which one of the greatest landowners in the country—a proprietor who was the benefactor of his tenants, and a pattern for the discharge of every duty which property entailed upon its possessors—held under a royal grant a large portion of his estates which had formerly belonged to the Church; and the feelings of his tenantry, so far from partaking of gratitude, was, that they had as much right to his land as he had himself. They openly said, that his lands were public property, because they had been taken from the endowments of the Church. Now he did not say that this was a sound argument, but it was one that would do the work of a sound argument with those to whom it was addressed; and there were many persons who would say, that as numbers of their Lordships held under grants from the Crown property which had been taken away from the Church by the act of the

Legislature three hundred years ago, and that as their Lordships had set the precedent of revoking such grants in Canada—they would be justified in carrying the principle a little further. With respect to the papers for which he had given notice to move, he was happy to state that the first had already been laid before them, and therefore he need not trouble their Lordships for it. The second document for which he asked was the *Government Gazette* of the 8th of May, 1849; and he did so because it contained an address from the Roman Catholic prelates and clergy of Quebec, the first signature to which was that of "Joseph, Archbishop of Quebec," and of the answer of his Excellency to that address. The Pope had not long before thought fit to erect an Archbishopric of Quebec, and the prelate in question had styled himself, according to his directions, Archbishop of that See. The answer to that address was headed, "To his Grace the Archbishop, and to their Lordships the Bishops, and other members of the Catholic clergy of Quebec." Now he (the Bishop of Exeter) would ask whether that was not a recognition by the Government of the Pope's appointment? The next paper for which he moved was a list of the Bills passed by the Canadian Parliament, whether reserved or not, in the year 1849, and a statement whether any, and which, of the same were disallowed by Her Majesty? He had not seen those Bills, but he had a list of their titles; and one of them, the Colonial Act, 12 *Vict.*, cap. 136, he found was an Act to incorporate the Roman Catholic archbishop, or bishop, and clergy, in each diocese. Their Lordships would see what a large stride this was towards the establishment of popery in that country. The object of the Act was to render the Roman Catholic clergy capable of acquiring property, and to make perpetual the archbishopric which the Pope had created by what had been called an unwarranted act of aggression on his part—not to speak of the other and more violent language which had been applied to it. But there was a most remarkable circumstance connected with this Bill. It was passed in 1849, and came home to the Government; and he wished now to know whether it had received the Royal assent? It might have been annulled any time within two years after its passing—a period which reached many months beyond that memorable November, 1850, when the noble Lord then at the head of the Government and now the leading Member of the Government in the other House of Parliament (Lord John Russell) published that he would not say, *verbosa*, but *grandis epistola*, called the Durham letter, which shook the country to its very centre. The noble Lord chose to throw the blame of the papal aggression upon certain members of the Church of England; but while he stated that the papal bull was an unexampled and unparalleled aggression, at that very time a Bill was before him which had been passed in the Canadian Parliament to incorporate the Roman Catholic archbishops and bishops of Quebec. He (the Bishop of Exeter) merely mentioned this as an illustration of the measure of justice which was dealt out to the Church of Rome and the Church of England. It was the great duty of a Minister of the Crown, both as a public man and as a counsellor of Her Majesty, to maintain the Church of this country; and he was prepared to contend that it was not a mere question of domestic concern whether the true faith, the true Protestant Church, should be upheld or not. It was not open to the Legislature of every country which formed a part of the British Empire to decide for itself, but it was a matter of grave imperial duty. He did, therefore, trust that the noble Duke would pause ere he recommended them to hand over the clergy reserves to the tender mercies of the Canadian Legislature, which had already shown its disposition by secularising a college which had been founded for the purposes of religion, by confiscating all its endowments, and requiring that nothing like religion should be taught, nothing like religious worship offered, within its walls. Another of the Bills which had been passed by the Canadian Parliament in the year 1849, the Act of 12 *Vict.*, c. 143, and which he wished to know whether the Government had suffered to remain unannulled, was an Act to incorporate a religious order which he believed was closely connected with the Jesuits. This Bill was likewise in the hands of the Government during the whole time that such an outcry was raised by them against the aggression of the Pope. The last document for which he would ask was the copy of an Official Letter from the Lord Bishop of Quebec to his Grace the Duke of Newcastle respecting the clergy reserves. He trusted that his Grace would not object to its production. It was written hastily, but perhaps on that very account it expressed more satisfactorily the sentiments of his right rev. Brother. It was couched not only in eloquent terms, but in terms of touching simplicity. The right rev. Prelate said that, if the proposal relating to seize property which had been solemnly dedicated to God, and to apply it to other purposes, was not sacrilegious, he did not know in what sacrilege consisted. And, in truth, sacrilege was branded deeply upon it; and he (the Bishop of Exeter) would ask their Lordships if they were prepared to make themselves parties to such an act? There had been times when the House of Lords would have spurned the proposition. Were any of their Lordships prepared to advise their Sovereign to violate Her coronation oath, in which She had sworn to maintain inviolate the rights of the Church of England and of the Presbytery of Scotland, not only in these islands, but in all the dominions belonging thereto? It had been said that this oath did not bind Her Majesty in her legislative capacity; but the truth was, if plain words were to have a plain meaning, and if they traced the history of the oath itself, they would find that that was precisely the capacity in which it did bind Her. Would they go, then, to Her Majesty and recommend Her to assent to a measure which would have the effect of extinguishing all the provision which had been made for the Church in Canada? If there were no stronger reason against such a step, they would find reason enough by only looking at the position of the Roman Catholic Church in that country. The whole provision made for the Protestant Church, at least in the Upper Province, could never amount to more than 20,000*l.* a year, and there was a regulation that of that fund no clergyman should receive of it more than 100*l.* a year. Surely it was of the highest importance not to withdraw that small assistance from a poor but increasing Church in the face of a powerful and wealthy community like the Roman Catholic body. Why, the Roman Catholic Church was enormously wealthy—the estates belonging to St. Sulpice alone, and given to them, too, by the British Government, were estimated at 60,000*l.* per annum. Were there, then, any reasons why the possessions of the Roman Catholic Church should be held more sacred than those of their own? It was quite true that, by the treaty of 1763, the faith of this country was pledged for the maintenance of the Roman Catholic religion in Canada; and he hoped that nothing, not even the provocation of confiscating the possessions of the Protestant Church, would ever induce their Lordships to be consenting parties to a breach of that faith. But then the faith of the men of England was no less pledged to the loyalists of Canada, who had been obliged to fly from their country to a land where they thought they had found a home, and, what they valued more, an altar. He rejoiced to point to the example which had been set us by a country which had sprung from ourselves—the United States of America. They were not bound by the treaty of 1763 to respect the Church endowments; but they had nevertheless regarded them as sacred. Almost the only endowments for religious worship that were known to the State were those for the members of that Church which was in communion with the Church of England. In the city of New York there was an ancient endowment by the Crown of England, which was now worth 3,000,000 dollars, and that was still enjoyed by the members of the American Church. In the State of Vermont, there having been no body of churchmen, the State occupied the lands allotted, but at length there was one established in that district. The Church immediately took proceedings at law to recover its rights, and the courts allowed the claim. Why then were they to be told that England was to be the first to say that the property of the Church should be taken away from it? He thought he had made out a case which the noble Duke would say was at least sufficient to lead him to grant the papers that he moved for.

The Duke of NEWCASTLE: My Lords, I certainly will not complain of the course the right rev. Prelate has thought it his duty to take on this occasion; at the same time I may be permitted to observe it can hardly be considered a convenient one—and if I wanted any proof of its inconvenience, it is afforded by many of the statements in the speech of the right rev. Prelate. Your Lordships will remember that not only is no measure before your Lordships to justify the length at which the right rev. Prelate has discussed the subject, but probably at this very moment an hon. Friend of mine is stating to the other House the very details of the measure which the Government is about to introduce, and of which the right rev. Prelate seems to me to be extremely ignorant. Although he recognised the fact that the only object of the Bill will be to give to the Legislature of Canada full power over these lands called reserves, the right rev. Prelate, through the whole of his speech, argued as if the measure the Government is about to introduce is one, as he terms it, of confiscation. Without raising any quibbles as to what this measure really is, I can assure your Lordships its intention is totally different from that assumed by the right rev. Prelate. Before I proceed to comment upon the remarks which the right rev. Prelate has made on this Bill, which is not yet introduced into either House, and of which the right rev. Prelate is to a certain extent ignorant, I think it my duty to observe on some of his preliminary statements; and, in the first place, I will reply to the question, why this Bill has not been introduced into your Lordships' House? I believe that the precedents with regard to Bills of this character—although I readily admit there are no absolute Parliamentary rules and forms—prescribed the course which the Government has taken on this occasion; and if your Lordships want any further reason why we have preferred to introduce the measure in the other House, you have only to glance at the present condition of this House, and I will ask whether it is desirable that a measure of this magnitude and importance should be introduced at the commencement of the Session, when so few noble Lords attend in their places? The right rev. Prelate assigned as another reason why he conceived the Bill ought to have been first introduced in your Lordships' House, that the bench of Bishops necessarily take a great interest in the subject. With the highest possible respect for the right reverend Bench—and disposed as I am to pay the greatest deference to their opinions on all matters, and especially on matters of this character—I consider it far better that the Bill should be fairly and fully discussed in another place before it is brought for the final arbitration of this House, of which the right rev. Bench forms so important a part, rather than be brought into this House originally. The right rev. Prelate then went on to complain that the colony of Canada will be taken by surprise, and that they have not been consulted as to the course which the Government propose to take. Now, I do not mean to say that since the present Government has been in office we have received any fresh intimations of the opinions of the colonists, or that we have been in communication with the colonists on the question. But this is no new question, on which the feelings and views of the colonists have to be tested. It has been a disputed question throughout Canada for years past. In different shapes and ways the subject has been in agitation for the last thirty years; and I believe, with the exception of the view taken by the late Government—and that view is by no means so clear and decided as has been represented by the right rev. Prelate—with this single exception, no Secretary of State, for the whole of that period, has failed to admit that it is a matter for the legislation of the local Parliament of Canada, and not of the Imperial Parliament of Great Britain. The right rev. Prelate has said that the late Government refused their assent to any such measure as that proposed by the colony. Undoubtedly the late Government did refuse to assent to any measure by which future legislation on this subject should be transferred from the Houses of Parliament of Great Britain to the Houses of Parliament of Canada; but certainly the late Government did not altogether refuse to deal with this question; they did not stand on that high ground which has been taken by the right rev. Prelate; they did not say, any Act which touched the Act of 1840 would be sacrilege. Her Majesty's present Government do not propose to enter on the question, whether it is best to leave the Act of 1840 as it is, or to alter it; but we do say, in the present state of the colony of Canada—looking at the importance at which it has arrived, endowed with a responsible Government—we cannot refuse to give that Colony one of the proper attributes of government, namely, the right to deal with this question in any manner it may think fit. I hold in my hand a despatch from my predecessor in office, dated on the 22nd of April last year, in which he says—

> "On account of the changes in the state of the colony, from emigration and other causes, it is obvious that the distribution in question under the Act of 1840 should from time to time be reconsidered, and any proposal of such a nature Her Majesty's Government are willing to entertain."

He then states that Her Majesty's Government will not entertain the exact proposal submitted by the colony. Surely the colony cannot be said to be uninformed, with this despatch, and a preceding one from

Lord Grey, before them, showing that it was fully contemplated that any Government would deal with the question; but I can only say, in addition, that Archdeacon Bethune, who is now in England, has published a pamphlet, expressing the expectation that the Legislature will take up the question. It cannot for a single moment be said that the colonies will be taken by surprise on a question which they have so frequently and earnestly urged the Government of this country to entertain. The right rev. Prelate said the Bill which we are about to bring in is a Bill to confiscate the clergy reserves. As I have said, I am not about to split words on this subject; but in order that the right rev. Prelate may see that his interpretation of even the probable consequence of the Bill we are about to bring in is unfounded—that others do not entertain the same opinion—and, moreover, that the same opinion is not generally received in the colony; I will read to your Lordships a few lines from a Canadian newspaper, which was put into my hands this afternoon, in consequence of the notice of Motion of the right rev. Prelate. I am assured this paper is one of the most respectable and best conducted in the colony, and, moreover, professes strictly Conservative opinions. What does it say? Does it deprecate the course the Government are about to take, or characterise any such measure as an act of confiscation? No; it deprecates most strongly the course which was about to be taken by the late Government, and says that decision would have the effect of throwing into Canada an element of discord and confusion. I will not detain your Lordships with many extracts, because I am anxious to reserve any lengthened statements to a future occasion. After a certain amount of argument strongly urging the course of legislation upon which we are about to enter, this writer proceeds:—

> "This is a question of our political connection with Great Britain, upon which all Conservatives, as well as Reformers, are cordially agreed. No matter what may be our opinion on the final adjustment of the clergy reserves, we claim it as the indefeasible right of the Canadian Government to legislate in the matter."

After some further remarks, the writer continues:—

> "There is no probability, in the present state of parties in Canada, if the privilege be granted, of the reserves being diverted to other purposes than those to which they are now applied; but however that may be, all we ask is, the power to legislate for ourselves on subjects altogether of a local character."

The Duke of Newcastle

I will not venture to express an opinion whether the sentiments of this newspaper be correct or not. I frankly admit I hope they will prove correct. In the despatch to which the right rev. Prelate has alluded, I have expressed my regret that the Canadian Legislature should wish to reopen this question, and that my desire was that it should remain as settled by the Act of 1840. I do not express any opinion whether the reopening the question will be of advantage or not; but I say this, whatever the result, it is no longer tenable that we should retain in our own hands a power which, upon every argument of justice and expediency, ought to be allotted to the Canadian Legislature. The right rev. Prelate referred to what he said are the known opinions of the Members of the Government of Canada. I know not what the opinions of those Ministers may be, but this I do know, that the Ministers of the Governor General of Canada stand on the same footing that Her Majesty's Ministers stand to the Legislature in Great Britain; and I will add this, whatever may be their individual opinions, no measure can be carried out for the purpose of confiscating this property unless it be the earnest desire and firm determination of the inhabitants and people of Canada. I say, therefore, the right rev. Prelate has attached undue importance to anything which has been said by the Ministers of Canada—if anything has been said—and that nothing which has fallen from them can be used as the basis upon which to raise an argument as to the probabilities of the course which at any future time will be taken. I am sorry to trouble your Lordships on any small matters, but some misrepresentation on the part of the right rev. Prelate—unintentional, no doubt—it is desirable I should correct. He has represented, in support of the argument he has used, that every one has been taken by surprise—that the Bishop of Quebec, who is now in this country, never knew until last Saturday that this measure was to be brought forward. I am surprised the right rev. Prelate should have come to a conclusion so contrary to the fact. So little has the Bishop of Quebec, or any one in this country a right to say they have been taken by surprise, that some time since I informed Archdeacon Bethune what the Government were about to do, and I undertook, the moment it was settled when the Bill should be introduced, to inform him of the precise day. Within an hour of the day being fixed, I instructed my private secretary to address a letter to the Archdeacon in fulfilment of that promise; and I can only say that not only no attempt has been made by Her Majesty's Government to take anybody in this country, any more than in the colony, by surprise, but no pains have been spared to give information to all parties who ought to receive it. The right rev. Prelate asked whether the Government would yield to agitation, and whether an agitation of three years' standing can be considered sufficient, and he alluded to agitation in Ireland. I venture to submit that this argument leads to rather a dangerous doctrine—that where an agitation of three years' standing is not sufficient, an agitation of something more than three years may be sufficient. Does the right rev. Prelate wish every measure to be caried by agitation? I venture to think it the duty of the Government, when the wishes of the people have been distinctly ascertained, to come forward with the desired measure and prevent that agitation which most unquestionably the speech of the right rev. Prelate this evening will tend to encourage. But I do not defend this measure on the absence of agitation, but upon a great principle—the principle of self-government—a principle which cannot be contravened without damage to the happiness and prosperity of the country. The right rev. Prelate has made allusion to some person as an agitator in the Assembly of Canada—I presume to Mr. Price—and has spoken of that person accepting the Act of 1840 as a settlement of the question, and now using it as an instrument of agitation for the mere purpose of agitation. I think it highly probable that such may have been Mr. Price's opinion; and, for all I know, such may be the course he takes, and such may be his motive. But what is the lesson I derive from that? Why, I see that, as long as a question of this kind is left pending, as long as we leave this religious question to excite the people of Canada, we are in danger of disturbing and disorganising the whole foundations of Government in one of the tenderest points on which it can be affected. We propose, therefore, to leave the Legislature of Canada to deal with this question instead of ourselves, and agitators will not then have the means to excite the minds of the people upon a topic affecting the religion of a large part of the community. I wish as much as possible to abstain from going into details, or tracing the history of this measure, as that ought to be reserved until the Bill is before your Lordships' House; and I think when it does come before your Lordships, that I shall be able to prove that from 1791 but one course and one view have been generally taken in this country with regard to this measure. I think I shall be able to show that it is neither breach of faith, nor confiscation, nor sacrilege which is involved in the measure which will then be under discussion; and I shall be prepared to show you many details which I feel some confidence in believing may change the opinions —I will not say of the right rev. Prelate, but of others who entertain doubts of this measure. I will not, therefore, refer to the parallel which the right rev. Prelate instituted between the Church of England in Canada, and the Church in Ireland, but will content myself by saying that such a parallel cannot be supported. The objections which the right rev. Prelate has taken, are, in fact, objections to the details of a measure he has not seen. He has not attempted to prove that we have not the right to take the course we are about to take, but he has gone through a series of objections of a general nature, and embracing many abstract propositions, which may be raised on future occasions, and I dare say will be raised when the Bill is before your Lordships. I have felt it my duty to endeavour to controvert some of the statements he has made, however inconvenient the course may be, and I believe I shall be consulting the inclination of your Lordships, who may attend the discussion on some future occasion, if I confine the few remarks I have now to make to the subject of the particular Motion with which the right rev. Prelate concluded. With regard to the four papers he desires to have laid on the table of your Lordships' House, I have no sort of objection to give them, or any others that may throw any light on the subject. I believe all the papers relating to this subject, with the exception of these four, are already in your Lordships' hands; but if not, they shall most readily be given. I am only sorry I am not able to produce the *Government Gazette* of Canada immediately; for this simple reason, that as far as we have been able to search since the right rev. Prelate gave notice last night, there is no copy in the Colonial Office; but by the next mail a letter shall be sent requesting the immediate transmission of a copy of that *Gazette*. The right rev. Prelate says, that Earl Grey admitted a measure passed by the Canadian Parliament, affecting injuriously Protestant interests, after a certain grand epistolary missive, as he calls it, had been issued. The question is one of time; and whether the right rev. Prelate's statement prove correct or not, I think he should have reserved his comments until the fact is ascertained by the production of the papers he has moved for. I should be sorry to follow the example of the right rev. Prelate, in commenting on what I have not seen; but I received only yesterday the letter from the Bishop of Quebec to which he has alluded, and, having read it carefully and with the attention and respect due to so high an authority, I am bound to say I do find in it many assertions and many arguments—assertions which I cannot admit, and arguments which on a future occasion it will be my duty to confute. The right rev. Prelate in one part of his speech characterises any interference with the Act of 1840 as sacrilege. That really is a charge of so grave a nature that, however anxious I may be not to enter prematurely into details, I do feel bound to say I cannot in any way recognise its justice or its truth. If this measure is one of sacrilege, I should like to know what is the Act of 1840 itself? We do not propose to deal with the clergy reserves as they were dealt with in 1840. We simply propose to transfer to the Canadian Legislature the power of disposition of the funds. But even assuming that we went the whole length of secularisation, and that we applied the funds at once to civil purposes, I will ask the right rev. Prelate what does he maintain was the character of the Act of 1840, which he supported? If he conceives this to be an act of sacrilege, I apprehend that was an act of sacrilege. Sacrilege cannot be a question of degree. If a man breaks into a church and steals one piece of the communion plate, he just as much commits sacrilege as a man who takes the whole service. They are both equally guilty of sacrilege in the one case as in the other. What did you do by the Act of 1840? What did the right rev. Prelate and all the bench of Bishops do by that Act? I do not say this for the purpose of attacking the right rev. Prelate; but I say he should maintain his own consistency, and that Her Majesty's Government ought not lightly to be taunted with so serious a charge as that of sacrilege. The Act of 1840 took from the Church of England a large portion of the clergy reserves, and appropriated them, not only to other forms of Christianity, but to secular purposes. What are all the preceding Acts since 1791? What the views of successive Ministers of State? What the course taken by the Canadian Legislature? What the orders sent out by Lord Glenelg and Lord Goderich and other Secretaries during the last thirty years? If this be an act of sacrilege, what is the act which the right rev. Prelate defends of the late Government? Did my predecessor take this high ground and say, "Not one inch or tittle will we yield of the Act of 1840?" Did he say that? No. But he said that he was prepared to deal with the question; that he would not give the Canadian Legislature power to deal with it, but he would deal with it himself. He recognised the altered circumstances caused by immigration and other events, which made it necessary and right to have a redistribution of these funds, which must be of course be adverse to the Church of England. How does the character of the measure of the right hon. Gentleman the late Secretary of State for the Colonies (Sir John Pakington), which the right rev. Prelate defends, differ from our measure, assuming for the sake of argument that we propose to abandon the whole of these funds to secular purposes? So far as the Church is concerned—so far as the religious question is involved between me and my predecessor—it is a mere question of degree; but as regards the measure in one of its most important bearings—as regards the great question of Colonial self-government—it is not a matter of degree, but of principle. The whole question involved is this—is this to be a Colonial, or is it to be an Imperial, question? Are we to follow out to its legitimate conclusion, not merely the representative, but the responsible, government given to the Colonies, or are we in this one particular to deprive them of the full advantages of a responsible government, and thereby place a great community in a dangerous and anomalous position? I have already said the late Government did not consider the Act of 1840 was a final settlement; and I find that in 1846, and in succeeding years, the Bishop of Quebec and other dignitaries of the Church wished to reopen the question. That fact puts an end to the asserted finality of the Act of 1840. Can the same parties now turn round and say that for one purpose, the Act was not to be final in 1846; for another, it is to be final in 1853? The whole question must stand on different grounds. The grounds which have been stated by the right rev. Prelate, I feel confident, are not tenable. I feel confident, when your Lordships arrive at the consideration of this question, you will come to the conclusion with me that purely and strictly on colonial grounds this question ought to be settled, and that it must be settled in the way proposed by Her Majesty's Government. The right rev. Prelate has entered into the matter of the Coronation oath. This measure will not affect it in any way whatever. The Queen will have the same power of exercising Her veto on any confiscation of these revenues being proposed as She has now. The right rev. Prelate has drawn a comparison between the condition of the Church of England and the Church of Rome in Canada. I can assure the right rev. Prelate, that whatever may be the actual state of things—and I believe he has greatly exaggerated the wealth of the Church of Rome in Canada—that Church will stand precisely on the same footing with regard to liability to be dealt with by the Canadian Legislature, as will the clergy reserves, if this measure should pass as it stands now. The right rev. Prelate has dealt with the subject of endowments in Canada, as if they were entirely secured to the Roman Catholics by some Act of Parliament, and that we were now about to leave that Act in force, whilst we erased the Clergy Reserves Act from the Statute-book. [The Bishop of EXETER made a remark.] I know the right rev. Prelate referred to the treaty; but if he turns to that treaty, and applies to it the great powers of mind which he possesses, and which I do not think he has yet done, but has rather adopted the vulgar opinion of it, he will find what that treaty does confirm is little more than perfect freedom, in religious worship, of the Roman Catholic population of Canada, and does not give that extreme security to Roman Catholic endowments generally supposed. Besides, he will also find those endowments are, for the most part, not of a parochial, but of a charitable character. Even with regard to the particular instance to which the right rev. Prelate alluded—the large endowments of St. Sulpice—what is the title which the corporation of St. Sulpice has to its present large possessions? It is not derived from the treaty. That was considered to be so weak a foundation that some time ago a Canadian ordinance was passed confirming the title, and by that ordinance alone these possessions are now held. The right rev. Prelate must see at once that no measure which may now pass with regard to the clergy reserves can possibly place them on a weaker foundation than that on which the possessions of St. Sulpice are now held. And then with regard to the tithes enjoyed by the Roman Catholic clergy—those tithes are not payable, as they are in this country, by all classes living within the parish; but the tithes are payable by those persons only who are of the Roman Catholic communion; and so much is the payment restricted to those parties by the law, that every man who changes his religion is by that very act exonerated from the payment of tithes. Such is the tenure by which the Roman Catholic clergy hold the tithes in Lower Canada. But what is the fact with regard to Upper Canada? There tithes have been altogether abolished by an act of the Canadian Legislature; and I believe, though I am not positive as to the fact, that it was in consequence of that act that the Governor of Canada conferred upon the Roman Catholic population a grant out of these very clergy reserves, so that the Roman Catholics receive about 1,600*l*. a year from the clergy reserves, and their title to them will stand upon exactly the same footing as that of the Established Church. There has been, I must say, a vast amount of mystification and misrepresentation upon this subject, which I hope the discussion in this and the other House of Parliament will tend to clear away when that discussion shall come regularly before your Lordships. I do not despair, notwithstanding the firmness of character of the right rev. Prelate, that even he may be induced to take a different view of the subject from what he now does; but if not, that at least many of the right rev. Bench will view this question, not as one involving the guilt of sacrilege, but as a great national question, to be dealt with in the spirit of liberality and conciliation; and if they should do so, I am sure it will be for the great advantage of the Church in Canada, and will tend to mollify those angry feelings which have been called into existence by the Acts that have gone before in reference to this subject. The right rev. Prelate referred to the respect which had been paid to ecclesiastical endowments in the United States; but I doubt whether it would be found on investigation that the population of the United States have adhered in every instance to the rule of never altering the destination of endowments. I doubt whether he will not find that in one of the greatest States of the Union a church which was originally endowed in connexion with the Church of England is now held by the Unitarians; but I agree with the right rev. Prelate that, generally speaking, the endowments of the Church of England have been respected in the United States; and let me say that I gather from that precedent this example and warning—if you trust men with their own concerns, and place in their hands the management of their own affairs, they will be more induced to respect previous engagements and old settlements than if they extort their privileges after long agitation, and the ferment caused by a heated contest with those who are disposed to keep them out of the possession of them. But even if my opinions were different, and if I believed that the certain consequence of this step would be that these reserves would be appropriated by the secular power, still so strong is my conviction that we ought to act upon the principle of colonial freedom in all questions relating to the internal administration of their own affairs, that I am prepared, without reference to the result of the measure now to be proposed to Parliament, to take the course which I am now pursuing. But allow me to say that I am confident a great deal will depend, with regard to the future issue of this question, upon the conciliatory course that we may adopt—upon our discussing it apart from the bias of party feeling—apart from that irritation which is so ready to rise whenever questions occur in which religious feelings are concerned. I am sure that the final issue of this question will depend upon the tone, and temper, and spirit in which it is discussed in both Houses of Parliament.

The **Earl of DESART** regretted that the noble Earl lately at the head of the Government (the Earl of Derby), who had been very anxious to be present at the discussion of the question, was unavoidably detained from attending on this occasion, and had therefore devolved upon him (the Earl of Desart) the task of remarking on the observations which had been made on the subject, as an individual—though he was aware that there was an inconvenience in a discussion upon a subject of which the details were not before them—still he felt that thanks were due to the right rev. Prelate who had brought the

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question before their Lordships, as he thought the public ought to be put in full possession, by a discussion in Parliament, of the bearings of a step which, in his opinion, would prove a great blow to the Protestantism of Canada. He said that advisedly, because, though the agitation was directed to the Imperial Parliament, abandoning its control over the clergy reserves in Canada, yet the agitators made no secret that their intention was to divert those reserves from their present ecclesiastical purposes. With regard to the views which were entertained by his right hon. Friend Sir John Pakington, the noble Duke was right in saying that his right hon. Friend was fully open to consider any proposal which the Canadian Legislature might make with regard to a redistribution of the clergy reserves, considering that the Canadian Legislature were the best judges of the local wants of each district; but, being aware of the intention of the Canadian Legislature to divert these funds from their application to ecclesiastical purposes, he had refused to give them power in the matter, and had wisely reserved it for Imperial legislation. He had only one word further to say upon a subject which he thought was not fully understood by the public. It was generally considered in this country that the change was desired by the whole Canadian population as well as by a majority in the Canadian Assembly. Now that was not so. There was a considerable minority in the Canadian Legislature against any change; and that minority had increased of late in Upper Canada, who were, after all, the only Members the House need consider, because the Members for Lower Canada represented a Roman Catholic and a French population, and had no interest in these reserves. The minority in Upper Canada had increased of late from 22 to 24, and not only that, but the minority was really returned by a larger constituency than the majority, the one body being elected by 24,000 votes, the other by 23,500. It was stated by the right rev. Prelate that this agitation had been the growth of the last three or four years. It was true that there had been for a long time in Canada an agitation respecting these reserves; but it was to be remembered that these very agitations induced the Canadian Legislature, in 1839, to place the settlement of this question in the hands of the Imperial Parliament, because it was a question which they could not settle themselves. It was in consequence of that reference that the present settlement was come to in 1840; and so late as 1846, when Mr. Price, a Member of the Canadian Legislature, was urged to re-agitate the question, he said he was unwilling to disturb the Act of 1840, which had been so advantageous to the people of Canada. All he (the Earl of Desart) could say was, that the people of Canada might justly complain that to a certain extent they had been taken by surprise by the proposal of the Government; for though the late Government had stated their willingness to consider the redistribution, they had not admitted for a moment the principle of diverting the fund from its existing—that was to say from ecclesiastical—purposes. These remarks he (the Earl of Desart) felt bound to make in the absence of his noble Friend the head of the late Government, and in consequence of his recent connection with the Colonies.

On Question, *agreed to.*

THE MERCANTILE MARINE.

LORD **COLCHESTER** then asked whether it was the intention of Her Majesty's Government to lay before the House any Consolidation and Amendment of the Laws relating to the Mercantile Marine? Their Lordships were all well aware that it was the policy of this country to encourage British shipping and British seamen, and to promote that object no fewer than ten or eleven Acts of Parliament were passed, defining and regulating the duties, powers, and privileges of the Mercantile Marine of this country. The question had come before the Board of Trade last summer, and it had been decided to consolidate the whole into one general Act. The Bill was prepared accordingly, with great care, and it had received the most minute attention from the right hon. Gentleman the President of that department (Mr. Henley.) The change of Government had, however, prevented it from being laid before Parliament. There was another subject which was of great importance also to the shipping interest—namely, the establishment of schools for seamen. Two schools were already in existence, and he (Lord Colchester) desired to know if it was the intention of the Government to continue and to extend these excellent institutions?

LORD **STANLEY of ALDERLEY** admitted that these subjects were of the greatest importance; but as his right hon. Friend at the head of the Board of Trade had given notice for Tuesday next, of a Bill for Pilotage and other cognate subjects, and as on that occasion his right hon. Friend would refer to the subject of these questions in the course of his explanations, he trusted the noble Lord would excuse him from replying on that occasion.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 15, 1853.

MINUTES.] PUBLIC BILLS.—1° Office of Examiner (Court of Chancery); Sale and Purchase of Land; Grand Jury Cess (Ireland).

RAILWAY AND CANAL BILLS—AMALGAMATION.

MR. **CARDWELL** said, he rose on the part of the Committee appointed by the House to consider the amalgamation of railways, to move the Motion of which he had given notice. It was the object of the Committee, who were about to examine on the next day the first witness upon the subject referred to them, to insure to the House the greatest possible benefit from their inquiry, and not to compromise the perfect freedom of the House in dealing with the subject, and at the same time to inflict upon those whose Bills would be delayed a short time in consequence of the pendency of the inquiry as little inconvenience as possible; and upon the result of that examination the Committee came to the conclusion, that if they permitted parties to read their Bills a second time before Easter, so long before Easter that the time required by the Standing Orders for the presenting of petitions against such Bills would have expired before the Easter recess, and that the parties promoting the Bills would, therefore, be able to go into Committee on those Bills immediately after the Easter recess, the amount of inconvenience would, in his opinion, be the smallest possible. With regard to the proceedings of the House, the Committee came to the conclusion that the inconvenience would be next to nothing. There was, however, one inconvenience to which the promoters of Bills would be subject, namely, that parties desirous of opposing Bills would obtain a little longer time to make up their minds to petition. The Committee were desirous of obviating that objection if they could; but upon the examination of the gentlemen before them, and a full consideration of the case, they came to the conclusion that they would be exposing themselves to the risk of inflicting on persons in the country governed by a knowledge of the Standing Orders very great injustice and inconvenience, if they made any further concessions to the promoters of Bills. Guided by these principles—considering that they ought not on any account to compromise the perfect freedom of the House—and feeling the importance of the subject referred to the Committee, they felt they had no alternative before them in the discharge of their duty than to ask for some limited postponement of the second reading of Bills, and they came to the unanimous conclusion that the particular proposal which he was about to make would subject the promoters of Bills to the smallest amount of inconvenience. This being the unanimous decision of the Committee, he trusted that the House would consider that he was only discharging a public duty, and would give him their general support. Since he came into the House he had been requested to add some words to the Motion, which he had taken upon himself to do without consulting the Committee, and the responsibility of which he was prepared to take upon himself. It appeared that some of the Bills contained clauses for amalgamation or combination in conjunction with other clauses more important, and that the promoters would be willing to abandon the amalgamation clauses rather than incur any risk with regard to the more valuable parts of the Bill. He thought it perfectly safe to admit that exception to the rule, being desirous of not inflicting upon parties any inconvenience which could be avoided. It had also been suggested that some difficulty might arise as to the technical distinction between the connecting of Railway Bills and the connecting of Railway and Canal Bills. It appeared to him that the words he was about to move would include both classes of Bills. The Resolution which he intended to move was—

> "That no Railway or Canal Bill containing any powers of Amalgamation, Lease, Working Arrangement, or other combination of interest between different Companies, be read a second time before the 14th day of March next, unless the parties interested in promoting such Bill shall elect to proceed with the same on the terms of striking out in Committee all such powers aforesaid."

Mr. FORBES MACKENZIE said, he wished to know whether that notice would apply to Bills brought in during the present Session forming new companies, which

could not become companies until their incorporation by Act of Parliament?

Mr. CARDWELL said, that certainly was his intention. He conceived that a Bill intended to create a combination of interests between two new companies was included within the words; but if there was any doubt on the subject, he should be happy to introduce words to make the Resolution more explicit.

Mr. JAMES MACGREGOR said, he believed that the greatest benefit would result to the railway interest from the inquiry now placed in the hands of the Committee. The railway interest was now so extensive and complicated, that nothing short of Imperial legislation could put it to rights, or do justice to the body of railway proprietors. He fully concurred in the suggestion of the right hon. Gentleman the President of the Board of Trade.

Colonel FORESTER begged to inquire if the right hon. Gentleman would consent to add to his Motion the words "if required so to do?"

Mr. CARDWELL said, the question had been very fully discussed by the Committee, and they considered that they would be wanting in their duty if they permitted a second reading affirming a principle of any combination to be once passed, before the House was in full possession of the proceedings instituted by the Committee. He thought the addition which he had already made calculated to meet every reasonable wish on the part of the promoters of Bills.

Motion *agreed to.*

THE INCOME TAX.

Mr. HUME said, the noble Lord the Foreign Secretary had the other night given some explanations respecting the business of the Session; but a difference of opinion existed as to what were his real intentions with regard to the income tax. The reports in the papers on the point rather differed, and he wished now to ask the noble Lord what were the real intentions of the Government—whether they meant to continue the tax in its present state for another year, or whether they intended to make any, and what, alterations?

Lord JOHN RUSSELL: I am very glad, Sir, to have the opportunity of stating what I really did say on the occasion to which my hon. Friend has alluded. It has been supposed that I stated that it was the intention of the Government to propose a renewal of the tax without alteration for another year. [Mr. HUME: Hear!] What I stated was, that if the Government should introduce a Reform Bill in the course of the present year, in that case it would be necessary to propose a continuance of the income tax without any alteration for a short period. But, not taking that course, I stated that my right hon. Friend the Chancellor of the Exchequer would immediately after Easter, on the occasion of giving the explanations of the financial year, state the intentions of the Government with respect to the income tax. I have only further to say that—until that period arrives—until the Chancellor of the Exchequer makes that statement—it is not the intention of the Government to furnish any information upon the subject.

MR. HUME: In that case, then, he trusted the Government would have no objection to a renewal of the Committee on the Income Tax, for the purpose of completing the information, which was alleged to be defective. He would put a question on that subject on Friday.

SALE AND PURCHASE OF LAND BILL.

MR. HENRY DRUMMOND said, he rose to ask for leave to introduce a Bill to facilitate the sale and purchase of land; no person doubted the necessity of such alteration, and the only question related to the means by which it could be best effected. If they all put their shoulders to the wheel, something might be done; yet, by the conduct of proprietors and lawyers, difficulties were thrown in the way of the sale of land; for, so long as landed proprietors would burden their lands in the absurd manner in which they were accustomed to burden those lands, so long would it be utterly impossible to place them on the same footing with persons who held land unencumbered—so long would it be impossible to put them on a level with those who had well conducted the management of their property. Gentlemen must remember what was the origin of their tenure. It was derived from the times when the possession of land carried with it military service, and the consequence was, that we found many instances in which, where the land fell into the hands of women, they were not allowed to marry any person except by consent of the Crown. But landed proprietors then acted as landed proprietors did now, and tried to escape from the restrictions imposed on them. Securities were sought for on all sides, and unfortunate Jews and merchants who had lent money to the owners of land would have been robbed had not the lawyers stepped in and said to the landed gentlemen, "Well, we cannot take away the land from you, but we will take care that you shall not have one blade of grass or one ear of corn that grows on it;" and they succeeded by taking away what they called the usufruct from the owners. Still the landowners went on increasing their possessions, gratified with the extent of acres which were nominally theirs, but which were of no use to them; and to this day the same thing continued. There was still a continual anxiety to borrow money in order to buy land, and the consequence was, that when purchased, it became a dead loss to the possessor; and the lawyers, too, continued the same system of taking away the usufruct from the owners of the land, and giving it to those who had lent the money for the purchase of the land. The system of landed tenure which had grown up out of the state of things which he had described must be wholly unsuited to the present state of society, and unless the landlords themselves would consent to some radical change in the mode of entailing property, the transfer of land would every day become more difficult. Now, observe how the thing worked. No lawyer believed that you were the owner of your estate. If you said that you were the owner of a certain quantity of land, he would reply, "Well, perhaps so, but I should like to see your title examined." The person who lent money on land said to the owner, "Let me see that you are really the possessor of the land." The owner replied, "Let the title be shown to Mr. Preston, or some other conveyancer;" and in case he was satisfied, the money was lent. In a short time, perhaps, some more money was wanted to be raised, and the lawyer of the lender said to the owner of the land, "I will examine your title." "Oh, it has been already shown to Mr. Preston, and he was satisfied." But that answer would not do, for the party says, "I should like to have the opinion of my own conveyancer, I don't believe one word of what Mr. Preston says, I wish to have the opinion of Mr. Bell;" and the title must be shown to Mr. Bell, or some other conveyancer, before it would be believed that you were the owner of the land. Now he (Mr. Drummond) said, that after your title had been tried by a competent tribunal, its decision ought to be sufficient, and therefore in the plan which he should submit to the House, his object would be to have titles registered, together with a machinery for properly examining them, and that once on the register they should stand undisputed for ever afterwards. The more remote the title, the worse it often turned out for the owner; because, as the party insisted upon an examination of the title-deeds, it incurred additional expense. It was all to no purpose that an owner might say to the lawyers, "There has been no dispute about my property—my title-deeds are mentioned in Doomsday-book;" they would reply, "That is the worst title you could have; it has never been examined." After the Report of the Real Property Commissioners had been issued, the House of Lords declared that the marketable value of real property was seriously diminished by the tedious process of examination; that they were anxious for a thorough revision of the whole system of conveyancing, and the disuse of the present vexatious system; and that the registry of the titles of all real property was highly essential to the success of any attempt to improve the system of conveyancing. He (Mr. Drummond) wanted to get leave to bring in a Bill to frame a registry of title to all real property, in compliance with the Resolution of the House of Lords; and he wished it to be remembered that this was no crotchet of his own, but was based upon a solemn decision of the other House of Parliament, backed by the recommendation of the Commissioners appointed by the Crown. When the Real Property Commission was issued, the Commissioners said that the expediency of registration was so obvious that their duty was less to search for reasons in favour of registration, than to weigh the force of the objections which had hitherto proved fatal to it; and throughout the whole of their Report no valid reason was alleged against registration. He remembered that, at one time, some of the most eminent members of the profession resisted a Motion of this character; but he believed that now all the members of the profession were convinced that such a measure was necessary; and most certainly the large mass of landed proprietors were anxious that some general system of registration should be established. The system of registering had been repeatedly adopted in different parts of the kingdom. He had already described how the first tenure of land arose; that system began to give way about the time of Henry VIII., and the consequence was, that in 1535 there was an enrolment of deeds, which again took place in 1677. In 1703 the Yorkshire registry was enacted, and in 1708 the Middlesex registry. In 1728 a Bill was brought in for the registration of Surrey, which was lost, as was also another Bill for Derby in 1732. In 1739–40 the House of Lords directed the Lord Chief Justice and the Judges to prepare a Bill, and bring it in, for a general scheme of registration. They brought in the Bill, which passed through both Houses, and was only lost in consequence of the prorogation of Parliament. It was to that Bill he (Mr. Drummond) would go back, for reasons which he would show them presently. It was brought in again on a subsequent occasion; but then began for the first time the remonstrances of the conveyancers of London, followed up by the attorneys; and the senseless cry which then commenced about the danger of exposing titles, lest some flaw should be discovered, was continued to this day. The Bill was lost in the House of Commons by a majority of one, and nothing further was done till 1813, when the question was taken up, but without success, by Sir Samuel Romilly. The subject was again brought forward in 1830 by Lord Campbell, who brought in a Bill prepared on Mr. Duval's plan, which, however, came to nothing. In 1834 there were three Bills on the subject before the House of Commons, and in 1845 Lord Campbell again brought in his Bill. He (Mr. Drummond) did not like to express an unfavourable opinion of anything of which Lord Campbell was the author; but he was strongly inclined to doubt whether that House had not done wisely in throwing out the Bill, for the more he examined it the more he was convinced that while it would have made a total alteration in practice, it would only have substituted one cumbrous machinery for another, besides entailing on the owners of land greater expense. His opinion was founded on the fact that under that Bill there was to be compulsory registration of assurances, private Acts of Parliament, commissions of bankruptcy, judgments, informations, and other documents, which would have rendered no fewer than fourteen indexes necessary for the purpose of reference. A great many Bills had been framed since that period, but they had all been tarred with the same feather, and had all of them enacted the details of the machinery by which they were to be carried out. It might be thought presumptuous in him to criticise an Act of Parliament drawn up by a lawyer; and he supposed it was, and that he must be liable to an imputation of that sort. He was quite aware that dilettante reading of the *Mirror of Magistrates*, and other light works of that kind, was not so effectual in conferring knowledge on such subjects as the prospect of a fee "looming in the distance;" but lawyers, they found, were not always the best persons at drawing Bills. Everybody knew that some very great men had carried through Bills which had been very incomprehensible. He could relate an anecdote to the House in illustration of that truth. He was once sitting next to Sir Robert Peel, when a certain Bill which had been introduced by the Government was under discussion; and he pointed out to Sir Robert a particular clause in the Bill, saying to him, "Is not this clause perfect nonsense?" Sir Robert looked at the clause, and then said, "It is nonsense; you had better go and show it to Lord John." He (Mr. Drummond) walked across the House, and showed it to the noble Lord, who said, "The clause is nonsense, but I have nothing to do with it; it is Peel's Bill." He (Mr. Drummond) brought the Bill back to Sir Robert Peel, and told him what the noble Lord had said, when Sir Robert replied, "It is true I brought it in, but it was by the order of the Government; and old Eldon was Chancellor at the time, and he never would let the law officers do their duty. He would always meddle with it, and the clause certainly was nonsense." Now he (Mr. Drummond) would go back to the Bill which he had already named, which had been brought in by the Lord Chief Justice and the Judges in 1739, and passed both Houses. The peculiarity of that Bill was this—it appointed the Master of the Rolls as Registrar. At the present day the Master of the Rolls had evidently a great deal to do, and it would be necessary to appoint some other person to that office; but it might still be left, as that Bill enjoined, to the Registrar, to provide the machinery necessary for carrying out the business named in the Act. He had no doubt that they would be obliged to come to Parliament from time to time to amend the law, but he saw no objection to that course. It was better than enacting a great machinery at first, which it was always the ambition of lawyers to do, in order that it might be handed down to posterity to show what great men they were. What he (Mr. Drummond) wished was to have a registration of titles, which was a thing totally separate from a registration of deeds. They might have a registration of deeds if they pleased, but in the meantime, what he wanted was a registration of titles. Lord St. Leonards stated, only last night, in the House of Lords, when speaking on this subject, that—

> "what many persons desired was this—not simply to reduce the transfer of land by the easiest of all plans, but they wanted to stop all dispositions of land for the purpose of family enjoyment, and of supporting the dignities their Lordships possessed."

Now, it was his (Mr. Drummond's) opinion, that there could be no sound reform of the Legislature which did not insure that a Member of the House of Peers should be possessed of a certain amount of property. It was for the public good that the House of Peers should be *bonâ fide* men of landed property. But entails were not necessary for others; and therefore, while Lord St. Leonards' observations were perfectly true to a certain extent, they were not true universally. Lord St. Leonards proceeded to say—

> "This question produced most important social and constitutional considerations. It was ridiculous to speak of it as the transfer of land; it involved every question upon which the happiness and prosperity of this country depended; and this he would venture to say, that no man could prove to their Lordships that a general registration would in any way shorten by a single line the conveyance of land."

That might be true, but a registry of titles would shorten the abstract, and in that sense would enable land to be transferred as easily as stock. Every one knew that land must be measured and described, and therefore it was not possible that its transfer should be as short as that of shares and stocks; but that was no reason why they should not have a registration of titles. He had thus briefly stated the object of the Bill, without mentioning the machinery by which that object would be carried out, and he now moved for leave to bring in the Bill.

MR. HEADLAM, in seconding the Motion, said that the hon. Member for West Surrey deserved the thanks of the House and the public for his unwearied perseverance in endeavouring to improve the law concerning real estate by facilitating the sale and transfer of land, and providing a registration of titles. His hon. Friend had for a considerable number of years laboured with great patience and perseverance, to promote a national object of the greatest possible importance. In 1849 his hon. Friend brought a Bill forward on this subject, but at that time he did not receive any very cordial support. The Bill was, however, read a second time, and referred to a Select Committee, on which he (Mr. Headlam) sat; and he could take upon himself to say, that the ultimate failure of the measure was not due to any lack of industry or zeal on the part of his hon. Friend, but to the insuperable difficulty attending any independent Member seeking to legislate on so difficult and complicated a subject. The present Bill was introduced under different circumstances, and he hoped the Government, if they did not adopt the measure, would at least embody its principle in some Bill of their own, so that a law upon the subject might be practically carried this Session. He had the strongest possible opinion of the benefits which the country would derive from a well-conceived scheme for facilitating the transfer of land, for no one could exaggerate the evils arising from the difficulty of transferring land under the present law. Great labour and expense were incurred in ascertaining the title to land. Every hon. Member who had ever had anything to do with the sale or purchase of land, must have felt in his own person the cost, both of money, and of time and trouble, incident to such transactions. But the evil did not rest there. After the purchaser had gone through the investigation of the title, taken a conveyance, and paid his money, he was still insecure in the possession of what he had bought. The Courts of Law afforded many instances of cases in which it appeared that parties had purchased estates with defective titles, or subject to heavy incumbrances not known to exist at the time of the purchase. If the right hon. Chancellor of the Exchequer proposed in his financial statement to put a tax on the transfer of stock, making it as difficult and expensive as the transfer of real estate, every holder of stock would feel that his property was materially depreciated, and yet the practical effect of the law affecting real estates was the same as such a tax on the transfer of stock would be. He wished to impress on the House, in consequence of what had been said elsewhere by a high authority, that neither that Bill nor a Bill for the registration of deeds, would in the slightest degree affect the control which every owner of real estate had over his property. It would not prevent estates tail, settlements, mortgages, or any other power over the land which its owner now could exercise either by deed or will. There might be objections to the Bill, but no objection of this description could arise. Neither did the argument as to the exposure of family affairs, apply to the Bill now before the House. In order to illustrate its principle, he would say that the object of the Bill was to make a transfer of land similar in many respects to the transfer of stock. At present, the House was aware that the transfer of stock was easy and inexpensive, and that the purchaser was secure of the title to what he purchased. Nevertheless, stock was made the subject of marriage settlement, and limited interests in it were given through the medium of trustees. Moreover, no disclosure of the trusts of settlements of stock was made to the public. He would not pretend to go into the details of the measure—indeed he was not prepared so to do, inasmuch as he had not read the Bill of his hon. Friend, but he had heard enough of its principle (which he believed to be a practical one) to give the present Motion his most cordial support; and, afterwards, when this Bill and the measure of the Government were both before the House, he should give his utmost endeavour to procure an enactment of the best possible form, and to ensure the passing, during the present Session, of an Act to Improve the Law of Real Estate, and facilitate the transfer of Land.

MR. HUME said, that as the Bill was only permissive, it would not be of that use which otherwise it might be. The present system entailed a great loss on landed proprietors. He believed that there was a difference of two years and a half purchase in the sale of an estate in Scotland, and an estate of equal value in England. With this fact before it, it was extraordinary that a nation which boasted of its good sense had so long tolerated so vicious a system. He was present on an occasion when an estate in Belgium was conveyed in five minutes. Any plan that would introduce similar facilities in the sale and transfer of land in England, would confer the greatest benefit on the public, and on the owners of real property.

Leave *given*.

Bill ordered to be brought in by Mr. Henry Drummond and Mr. Headlam.

Bill read 1°.

CLERGY RESERVES (CANADA).

Mr. FREDERICK PEEL: Sir, I rise to ask for leave to introduce a Bill which shall empower the Legislature of Canada to exercise a control over the provisions at present regulating the appropriation of the clergy reserves in that province; and I trust that the House will bear in mind how important this question is, and how deep an interest the people in that province take in it, if, in doing my best to put the House in possession of the precise nature and object of this Bill, I trespass for some little time on its attention. The clergy reserves constitute a fund of no inconsiderable magnitude. They take their origin from a period as far back as the year 1791. At that time the province of Canada was divided into two parts, and in the place of the single Council of Government which then legislated for the whole province, there were substituted two representative legislatures, one for each division of the province. In the Act known as the Constitutional Act, which made that alteration in the constitution of Canada, it was provided that whenever the Crown disposed of its waste lands, one-seventh in value of the lands which were disposed of should be reserved for the benefit of the Protestant clergy. That proportion of the value of the waste lands disposed of continued to be reserved for a period of fifty years; but in the year 1840 an Act was passed which put an end to any further reservations of land for that purpose. In the course of those fifty years I need not say that a very great quantity of land had been reserved. A large portion of it, however, had been sold, and at the present time the clergy reserves consist in part of land and in part of money, of investments in the funds of this country and of Canada, which have been created by the sale and disposition of lands which originally were reserved. The manner in which this fund is appropriated is this. Its revenue is applied to the payment of stipends to ministers of the different religious denominations. It is not the case that these denominations participate in that fund in proportion to their relative numbers, or to the strength of each, because it will be found that, notwithstanding the change which took place in the year 1840, the Established Churches of England and of Scotland derive by far the greatest advantage from the existence of this fund. I will read an extract from a despatch of Lord Elgin, accompanying what is known as the blue book for 1851, showing how the clergy reserves were appropriated in that year. I find that in the year 1851 the clergy of the Church of England in the two provinces received a sum of about 12,000*l*. The population professing that religion were 268,590 in number. The Church of Scotland received a sum of 6,700*l*., having a population of 61,000 souls. The other churches which received money from this fund were the United Synod of Presbyterians in Upper Canada, 464*l*.; the Roman Catholic Church, 1,369*l*.; and the Wesleyan Methodists of Upper Canada, 639*l*. Now, upon what authority is this distribution made? It is made on the authority of an Act of Parliament passed in the year 1840; and as the circumstances which preceded and led to the passing of that Act are considered to exercise a very important bearing on the conclusions which ought to be arrived at in the present day, I will give the House a very short summary of those circumstances. The great bulk of the clergy reserves is placed in Upper Canada. In consequence of a term used in the Constitutional Act of 1791—the term Protestant clergy—the Church of England advanced, and succeeded in establishing, down to the year 1840, an exclusive claim to the advantages of this fund. Meanwhile the majority of the population of Upper Canada professed a religion which was not the religion of the Church of England; and therefore it is not surprising that the monopoly of that Church gave rise to considerable jealousy and agitation in the Legislature of Upper Canada. And you will find that from the year 1823, or so, when the reserves began to be of value, up to the year 1840, there were continual proceedings in the House of Assembly in connexion with the subject of them; you will find motions, addresses, resolutions and bills introduced and passed through that House, at one time urging the admission of other denominations to a participation in the advantages of this religious endowment; at other times proposing that it should be applied to secular purposes. Well, the Legislative Council never concurred in the views of the House of Assembly. The two branches of the Legislature were permanently at variance with each other—they could not be brought to acquiesce even in any compromise of the question; and in the year 1835 the Legislative Council, despairing of coming to any terms with the House of Assembly, proposed that the whole subject should be referred to this country, and that the Imperial Parliament should put an end to the difference between them. Now it is important to notice the words in which Lord Glenelg, at that time Colonial Minister, answered that application in the year 1835. His despatch (to be found in a Parliamentary paper, 205 of 1840) stated—

> "The chief practical question is, whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding. First, Parliamentary legislation on any subject of exclusively internal concern in any British Colony possessing a representative assembly is, as a general rule, unconstitutional."

Lord Glenelg gave another reason, which was, that the Constitutional Act of 1791 had purposely left this subject to be dealt with by the local Legislature of the province. That was the impression which prevailed at that time and up to the year 1840, and which, as I shall presently show, turned out to be an erroneous construction of that Act. The Legislature of Canada, thus prompted by the Colonial Minister to dispose of the question, again entered upon its discussion. I find that subsequent to 1835 Bills again passed through the House of Assembly to which the Legislative Council refused its assent; but in the year 1839 both Houses concurred in a measure vesting those lands, free from any condition whatever, I believe, in the Crown, or, at all events, referring this question to be dealt with by the Imperial Parliament. At that time, the noble Lord, now the leader of this House, was Colonial Minister; and this was the language in which he replied to that proposal:—

> "I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy; on the contrary, the provincial Legislature will bring to the decision of it an extent of accurate information as to the wants and general opinion of society in that country on which Parliament is unavoidably deficient."

Thus you see that a second time the Colonial Minister refused to advise the British Parliament to deal with this question, and referred it as one proper to be regulated by the local Legislature. Well, upon this second invitation, I find that the two Houses of Legislature did succeed in agreeing to a measure, and passed—I believe mainly owing to the tact and Parliamentary management of Lord Sydenham, then Governor General—a Bill which was carried by a very narrow majority in the House of Assembly; a Bill, I must say, giving the Church of England much more favourable terms than could have been expected when you remember the previous course of the House of Assembly on the subject. That Bill came home to this country, and, according to the constitutional provision, was laid on the table of this and the other House of Parliament for thirty days prior to Her Majesty's pleasure being signified with respect to it. In that interval an objection was taken by the Bishop of Exeter, that the Legislature of Upper Canada had exceeded its powers in dealing with this question—that the Constitutional Act of 1791 gave it no power at all, except such as was prospective only. That question was referred to the Judges, and they reported upon it in these words :—

> "We are all of opinion that the effect of the 41st section of the Act of 1791 is prospective, and that the powers thereby vested in the Legislative Council and the House of Assembly of either of the provinces cannot be extended to affect lands which have been already appropriated."

Under these circumstances nothing remained but to introduce a Bill into Parliament, embodying the principles and details of the Bill which had passed through the House of Assembly and Legislative Council of Canada, at the invitation of the Government of this country. That Bill was accordingly brought in, but at a period in the history of Canada when it was of the utmost importance that there should be as little division and as great an unanimity as possible in the Imperial Parliament with regard to all measures having reference to that province. It was on this account that before the Bill so introduced left this House, in order to conciliate opposition in the House of Lords, it underwent very considerable modification; and as it was finally passed, it certainly differed very materially from that Bill to which the Legislature of Upper Canada had given its assent, and made a provision very much more favourable to the Church of England and of Scotland than even that which the local Legislature had reluctantly sanctioned. It was hoped at that time that the Act of 1840 might be regarded as having finally disposed of this troublesome question. I myself think it would have been better to have anticipated what has now occured; that we might have foreseen that differences of opinion based on principle could not possibly be prevented from breaking out merely by being kept down with the weight of an Act of Parliament. Nevertheless, no such provision was inserted in the Bill; and I need not say that no Colonial Legislature has any power to alter the provisions of an Act of the Imperial Parliament. Now, just see what is the state of things in Canada. Since 1840, twelve years have passed by, a period, in that new country, crowded with events which would suffice to fill an age in the annals of any old one. I find that the population has more than doubled since the year 1840. The religious denominations have shifted about—now this one getting ahead, now another falling into the rear, just as emigration brought an accession to this or that particular creed. Therefore nothing could be less surprising than that a desire should be entertained for a readjustment of an arrangement made so far back as the year 1840. There is nothing unreasonable, I think, in the people of Canada desiring that some particular denomination should have a share of the fund more in accordance with its diminished numbers. I will instance the Presbyterians in connection with the Church of Scotland, who I believe have lost more than one-half of their adherents since 1840. Since that year the schism took place in the Scotch Church, and extended, however unaccountably, to our North American colonies, and I find that the Free Church has now more followers than the body in connection with the National Church of Scotland. They may think, too, that other bodies, the Wesleyans for instance, with 100,000 persons belonging to their communion, should participate to a greater extent than they now do in the revenue from this source. There has also been a desire expressed for the secularisation of the clergy reserves; but it does not matter what is the view entertained—be the force or form of public opinion in that country what it may—there are not any means of giving a legal and constitutional expression to it—there is an insuperable obstacle in the way. That obstacle is the Act of 1840, and the object of this Bill will be to remove that bar. Now I am anxious, Sir, to explain precisely the nature of this Bill. We do not intend by it in any way to alter the present condition of things. We leave the different denominations in that colony, so far as concerns their interests in the reserves, not certainly upon the same footing as that on which they have hitherto stood, but in the same relation which they have hitherto borne to each other. All that we propose to do is to vest in the Legislature of Canada the power, if they think fit to exercise it, of altering the existing arrangement. I think it precipitate to anticipate that these clergy reserves will, in consequence of this concession, be of necessity alienated from religious purposes, and secularised by the Legislature of Canada. There are in that colony many people who think, as I do, that in a new country, perhaps even more than in an old one, it is of the greatest importance to have a public provision applicable to the payment of stipends to ministers of religion. It is only when you have a provision of that kind that you can secure the presence of clergymen and the ministrations of public worship in every community, however poor, however remote it may be from the seat of Government. And, Sir, we ought not to forget that the clergy and the laity of the Church of England, and the other denominations in that colony who are interested in the maintenance of this fund, as a religious endowment, constitute by no means an inconsiderable minority in that country. There is a very just remark made by Lord Elgin, in one of his despatches, where he says that there is this evil attendant on the present arrangement, that—

> "those in communion with the churches peculiarly benefited by this fund, instead of trying to influence the public mind of the colony, are continually looking to the opinion of the mother country, and content to take shelter under the shadow of an Act of Parliament, while, if left to themselves, there may be very good ground to anticipate that they will be able to make their opinions shared in by others."

Why, I see it stated that at the last general election in the colony, in the month of December, 1851, they put forth their strength, and succeeded in carrying no less than nine elections, displacing from the Legislature some of those who took a most prominent and active part in advocating the secularisation of these reserves; and, therefore, I am not altogether without hope that the party which is interested in preserving the existing appropriation of this fund may possibly be able to bend the Colonial Legislature into taking that direction which they consider that the well-being of the country requires. But, be that as it may, I contend that the subject is solely and exclusively one for the consideration of the Colonial Legislature. It is not an imperial, but a local concern. That is the ground that we occupy in bringing forward and pressing upon the House the adoption of this Bill. We say that in bringing it forward we are carrying out the principle which has guided the policy of Parliament towards that colony of late years. It is a liberal, but, at the same time, as I believe, a just and a well-founded confidence in the good sense and the loyalty of the inhabitants of Canada, which has prompted us to extend to them an almost unlimited measure of power of self-government. They have now a Legislature, the popular branch of which is freely chosen by themselves upon any electoral basis they may prefer. They vote their own civil list; they have the exclusive control over their land fund, and the disposition of its proceeds. Even within late years we have made other great concessions in the same direction—we have surrendered to the colony the management of the customs department—we have discontinued levying imperial duties, and since the repeal of the navigation laws we have removed every restriction upon their trade with ourselves, our colonies, and with foreign countries. We have gone even a step further, and given them what is there denominated responsible government. Until the other day their executive was nominated by ourselves, and the principles of its policy were the principles of the Administration at home; but now they have an executive whose policy follows the policy favoured by the majority in the House of Assembly. Well, then, I cannot see why you should make any distinction with regard to this particular description of property; nor why you should not place at their disposal this portion of the public lands of the colony. I see in a pamphlet of Archdeacon Bethune that in respect to the claim of the Colonial Legislature to have the disposition of their lands, he states that "these lands were bought with the money of the British Treasury, and that we still pay salaries and pensions to the Indians for having taken their land from them." He refers, I suppose, to the 13,000*l.* which is paid every year in pensions to the Indians; but then that is paid, not in respect of land taken from those Indians, but in respect of services rendered to us by them in war. The Annuities which the Indian tribes receive as compensation for land of which they have been dispossessed, are granted out of the Colonial Revenue. Now, if what I have stated be true—if that legislature represents so large a population, and is in the exercise of such important and varied functions, I am sure that this House will be disposed to pay great attention to its wishes and representations. How then stands the question in this point of view? I need not go to an earlier period than the month of June, 1850. At that time the House of Assembly passed several resolutions, and an Address to Her Majesty, praying that the power which we now propose to confer on them might be granted. Earl Grey, who was then Minister for the Colonies, told the Earl of Elgin, in a despatch dated January 27, 1851, in answer to that Address and those resolutions, that he regretted that the agitation of this question had been revived—that he had hoped that the Act of 1840 had permanently disposed of it; but as it was the wish of the Legislature of Canada to deal with it again, that he, regarding it entirely as one of local concern, was prepared to recommend the introduction into the Imperial Parliament of a measure conferring the requisite power for that purpose. Upon that despatch being received in Canada, I find that both Houses, not only the House of Assembly which had voted the Address, but the Legislative Council as well, passed Addresses of thanks to Her Majesty for the communication they had received from Her Minister. Later in the same year, Earl Grey announced to the Earl of Elgin that, in consequence of the extreme pressure of business in that Session (1851), he had found it impossible to introduce the measure; but he undertook to bring it forward early in the Session of 1852. I need not say that we had not gone far into that Session when Earl Grey and his Colleagues retired from office. Earl Grey was succeeded in the colonial department by the right hon. Gentleman whom I see opposite (Sir J. Pakington). That right hon. Gentleman, I have no doubt, gave all the consideration to this subject which its importance demanded of him; but he came to the conclusion that he could not advise the introduction of the measure which Earl Grey had undertaken to bring in in the course of that Session. I now come to the resolutions which were passed by the Legislature of Canada so late as the month of September last year, on the receipt of the intelligence sent by the right hon. Gentleman opposite. In December, 1851, there was a new Parliament, and the right hon. Gentleman stated, among other reasons for postponing the measure, that since the Addresses were passed by the Canadian Legislature, there had been an appeal to the country, and he understood that the laity and clergy of the Church of England had succeeded in carrying several of the elections. [Sir J. PAKINGTON was here understood to dissent.] The right hon. Gentleman understood that there had been a change in the opinions of the House of Assembly, and he would wait to hear the result of a reference being made to it. I will quote the words of the right hon. Gentleman, as they are found in a despatch dated April 22:—

> "I have in the first place taken into consideration the circumstance that since any opinion on this difficult subject was expressed by the Legislature of Canada, a general election has taken place in the province, and it is as yet uncertain what the views of the new House of Assembly as to the disposal of the clergy reserves may be."

Now, Sir, there cannot now be any doubt as to what the views of the present Assembly are. They have passed a resolution in strong terms remonstrating against the decision of the Colonial Minister; and a material point to observe is, that this resolution was brought forward upon the Motion of Mr. Hincks, the head of the Government in the Colony. Therefore you have in the year 1850 the House of Assembly, in 1851 the Legislative Council, and in 1852 the Administration of the country, all concurring in pressing this Motion on the adoption of Parliament. I know that the right hon. Gentleman opposite has said—

> "That the divisions which carried the resolutions do not express fairly the opinion of the country, because you must bear in mind that this is not a Canadian question—that the great bulk of this property is in Upper Canada, and that the divisions, which show a majority of thirty or forty on the question, include the Roman Catholic members of Lower Canada; and it seems but fair, in a question which solely and exclusively concerns the upper province, that they should refrain from taking part in those divisions."

Now, I differ here entirely from the right hon. Gentleman. I think the Roman Catholic members were perfectly justified in taking part in these divisions, because you must remember, that there has been no proposition for the secularisation of this fund since the year 1840, or, if there has been, it has received very inconsiderable support—three or four votes at the utmost. All that the Roman Catholic members do in supporting these resolutions is to say that they think these funds ought to be left to be dealt with by the local Parliament as it deems fit, and that they wish to put the Protestant endowment in Upper Canada on precisely the same footing as their own endowment in the lower province. That is all the Roman Catholics seek to do; and I will show the House that the endowment of the Roman Catholic clergy in Lower Canada may be dealt with by the local Legislature if it thinks proper to do so. By the terms of the capitulation of Montreal, the Roman Catholic clergy were secured in their accustomed tithes and dues from the members of their own communion. I believe that as a general rule the terms of a capitulation remain in force till the general peace, when, if the terms are to continue to be respected, the usual course is to embody them in some legislative enactment. Now, I find that an Act was passed—the Quebec Act, as it is called—in which this provision was made:—

> "For the more perfect security and ease of the minds of the inhabitants of this province, it is hereby declared that His Majesty's subjects professing the religion of the Church of Rome of and in the said province of Quebec, may have, hold, and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy; and that the clergy of the said Church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion."

If that was the only Act affecting the endowments of the Roman Catholic Church, they would be placed in the same position as the endowments of the Protestant Church stand at this moment, and there would be no power in the Colonial Legislature to alter them; but in the Constitutional Act of 1791 this very provision was made which we now wish to make applicable to the Protestant endowments. When Canada obtained a free Parliament instead of the nominated Council of Government, it was thus provided by the 31 *Geo.* III., c. 31, s. 35. After reciting the declarations in the latter part of the above clause, and also certain instructions of the King for the application to the support of a Protestant clergy of tithes due from Protestants, the Act proceeds in the following terms:—

> "Be it enacted, that the said declaration and provision contained in the said above-mentioned Act, and also the said provision so made by His Majesty in consequence thereof, by his instruction above recited, shall remain and continue to be of full force and effect in each of the said two pro-

vinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by His Majesty, his heirs, or successors, under the restrictions hereinafter provided."

Therefore you see that the Roman Catholic endowment of tithes and dues, which members of the Roman Catholic persuasion are now bound to pay to the clergy of that Church, may at any time be abrogated by an Act of the Colonial Legislature; and inasmuch as all that we propose now to do is to place the Protestant endowment in Canada on precisely the same footing, I cannot see why the Roman Catholic members of the local Legislature should be objected to for taking part in the divisions upon this subject. Upon these grounds, then, Sir, I beg leave to introduce this Bill. On the part of the Government I disclaim its being brought forward in any unfriendly spirit towards the Church of England. No doubt the concession that we propose to make, does shake the confidence which is now felt in the perpetuity of the fund as an endowment for religious purposes. But, regarding the Church of England as a body of individual clergy in that country, we have taken ample guarantees for their continued enjoyment of the stipends now allotted to them, and we have the full concurrence of the Legislature and the Executive of Canada in doing so. We have inserted a clause in this Bill which will render it impossible for those clergy to be deprived of their emoluments so long as they live, or continue in their incumbencies. It would have been impossible for us to assent to any other regulation in the matter. The clergy went out to that country in reliance upon the Act of Parliament, and good faith and honour require that their rights should be respected. But, looking at the Church of England not as a collection of individual clergy, but as an establishment—as an incorporated institution—if you ask us to maintain a Church Establishment in Canada against the wishes of the people of that country, I, for one, would shrink from such an undertaking. If you were to engage in it, I undertake to say that you would never issue from it with either credit or success. I am convinced, Sir, that we are taking the right course even in the interests of the Church of England herself. I believe that if that Church has to encounter a spirit of antagonism and jealousy, aroused by a feeling of undue partiality and favour shown to her, she is weighted with a burden which no endowment can possibly counterbalance or compensate. The Church of England, I doubt not, will win its way in that country as it has done in the United States. Whether it be confirmed or not in its existing share of these reserves, it will derive its strength, not from the liberality of the public, but, as it has done elsewhere, from the purity of its doctrines—from the soundness of its teaching—from the virtues which are illustrated in the lives of its clergy. Sir, I beg to ask the permission of the House to introduce the Bill of which I have given notice.

SIR JOHN PAKINGTON said, that it was not his intention to oppose the Motion for leave to introduce this Bill, and he would not therefore detain the House by following the hon. Gentleman at any length through the speech which he had just delivered, or by entering into any detail into the various considerations connected with this most important subject. He had listened to the speech of the hon. Gentleman, and the declarations of the intentions of the Government, with regret, but without surprise. He had heard the speech in which the noble Lord, now the leader of the House, had stated, the other evening, the measures which the Government were about to introduce, but had wisely abstained from referring to the principles of the Administration. He had heard in that speech with sorrow, but with no feelings of surprise, that the first of these measures was to be the present Bill. While reserving his final opinion upon the Bill until he had seen it, he must say that he feared it would simply be a measure to commit a grave breach of national faith, and to deprive our Protestant fellow-subjects and brother Christians in Canada of an endowment guaranteed to them as solemnly as any endowment could be guaranteed by the Legislature. The hon. Gentleman the Under Secretary for the Colonies was a little too candid in some parts of his speech, for, referring to a despatch which he (Sir J. Pakington) sent to Canada in April last, conveying the decision of the then Government upon the prayer of the Canadian Legislature, the hon. Gentleman read a passage noticing the contingency of the then approaching elections. And he then with great frankness told the House that the result of those elections in Upper Canada, which was the province mainly affected by this question (although there were indeed some clergy reserves also in Lower Canada), had been, that the party opposed to this course of legislation had gained several seats. The hon. Gentleman might also have gone on to state that the largest and most popular constituencies in Upper Canada had returned members opposed to the breach of this endowment. When they were dealing with a question which was mainly an Upper Canadian question, they were, he thought, bound to recollect that the representation of that province was as nearly as possible equally divided upon this question. There were forty-two members returned to the National Assembly from Upper Canada, the representation of Niagara being, however, vacant at the time he quitted office; and the result of inquiries which he then caused to be made was that, of the remaining forty-one members, twenty were in favour of retaining the reserves in the hands of their present owners, and twenty-one against it. The hon. Gentleman had also adverted to that most delicate part of this question, which was connected with the tenure by which the Roman Catholic Church held their endowments. Now, these endowments were secured to the large Roman Catholic population of Lower Canada at the time of the conquest, and the stipulations then made by the British Government had since then been religiously observed. The Act of 1840, in like manner, guaranteed their endowments to the Protestants of Upper Canada; and he wished to know upon what principle the Government could contend that the guarantee given by the Crown at the conquest was more solemn or more binding than that given by the Parliament of Great Britain in the Act of 1840. The hon. Gentleman said that all the needful provisions would be inserted in the Bill to secure the rights of the existing incumbents; and no doubt this must be done, unless the Government were prepared to commit a breach of faith so grievous that it could hardly be anticipated as possible. But he could not help hoping that the noble Lord (Lord John Russell) would go somewhat further than this. He implored him to respect the Act of 1840, of which he was the author; and to recollect the peculiar circumstances under which it was passed. The hon. Under Secretary for the Colonies had stated, with perfect accuracy, that that Act was introduced by the noble Lord in consequence of an Act passed by the Canadian Legislature being found open to some legal objections. But the latter Act, although containing some alterations suggested by the Archbishop of Canterbury, was, in its general principles, founded on the former; and when it was passed, it was felt that before we tried the perilous experiment of uniting the two provinces, we were bound to settle the question of the clergy reserves; and it was on account of that impending union, and of the approaching junction between the Protestant upper province and the Roman Catholic lower province, that this Act was passed. One of the most interesting and able State papers with which he was acquainted was the protest of the late Duke of Wellington against the union of the two provinces; in that his Grace dwelt upon this important question, and called upon the Legislature to remember the differences of religious opinions that existed between the two provinces. It was a fact also pressed upon the Government by Lord Sydenham, and every one else who had studied the affairs of Canada, that before they ventured to unite the two provinces they must pass a measure to prevent the Protestants of Upper Canada and the Roman Catholics of Lower Canada coming into collision on the subject of these endowments. It was in this spirit that the Act of 1840 was introduced, and he entreated the noble Lord to remember the words of the preamble:—

> "Whereas it is expedient to provide for the final disposition of the lands called clergy reserves in Canada, and for the appropriation of the income arising therefrom for the maintenance of religion and the advancement of Christian knowledge in the said provinces," &c.

He submitted to the noble Lord, and to the House, that these words amounted to as solemn a guarantee as Parliament could give to our Christian fellow-subjects in Canada. He entreated the noble Lord to recollect the solemnity of these guarantees, the sacredness of the subject, and the interests of posterity, before he determined lightly to concede the prayer of the Canadian Legislature. He should not oppose the introduction of this Bill; but he had not shrunk from opposing, almost alone, the union of the two provinces of Canada, and if, as he apprehended, this Bill should amount to a breach of a solemn engagement, which he should regard as inconsistent with the duty of any Government or any Parliament, he would not shrink, even if he were again unsupported, in opposing a measure of such a nature.

Mr. VERNON SMITH said, it appeared to him that the right hon. Baronet who had just resumed his seat, had completely avoided giving any opinion upon the great question involved in this Bill, whether the Parliament of Great Britain should allow the colony of Canada to legislate for itself, or should legislate for it. He seemed to have felt himself hampered by the declaration he had made in one of his despatches with respect to the feelings of the majority of the people of Canada, and he endeavoured to set the opinion of the people of Canada, as collected from petitions and letters sent to him from the bishops of the colony, against the declarations of the Assembly. When, however, we had once established a Legislative Assembly, he (Mr. Smith) thought we must adopt their declarations as the opinion of the people of Canada. But the right hon. Baronet had broached a still more singular doctrine, for he had told the House that although there was a division against the reserves, yet that the Members for the large constituencies were in the minority. He hoped the right hon. Gentleman would reserve that argument for a future time, and that when other reforms were mooted, he would be preferring the opinion of the larger constituencies to that of Droitwich. It was true the Imperial Parliament had agreed to the Act of 1840, which had been brought forward by his noble Friend (Lord John Russell); but it could not be so irreversible that the Imperial Parliament could not now alter it. That would be to settle upon his noble Friend a new finality. The Bill of 1840 had given the colony ten years of tranquillity, so that it had not wholly failed of its effect. The right hon. Baronet had concluded by telling them that he did not imagine that the terms of the capitulation of Lower Canada were more binding on the country than the provisions of an Act of Parliament. But he thought it could hardly be contended that Parliament had no power to repeal an Act passed no longer since than 1840. As to the statement of his hon. Friend the Under Secretary for the Colonies, that if the question was left to the Legislature of Canada, they might deal with it as it was dealt with at present, he must confess that his own opinion in 1840, when the existing Act was passed, was that the public opinion of Canada was in favour of the secularisation of the reserves; he did not know how it might have been modified since. This, however, was not a question with which he as a Member of the Imperial Legislature had to deal. He felt bound to support the principle of giving the colonies self-government, and he would not maintain any theory of his own in opposition to that great principle.

Sir ROBERT H. INGLIS said, that he felt disappointed that his right hon. Friend the late Secretary of the Colonies should have waived his opposition to this measure until a future stage; for were not its principles as patent in the speech of the hon. Under Secretary for the Colonies, nay in the very title of the Bill, and in the history of the whole transaction, as they could ever be made by any Bill, however carefully prepared and worded? This was a measure to enable the Legislature of Canada to deal, not with religious principles, but with property; and the question was not whether the inhabitants of Upper or Lower Canada should have one creed more or less in their Prayer-book, or be obliged to support the professors of one or more creed, but whether the property which had been attached to a particular body of men should or should not be taken from them. What was meant by the word "clergy?" It would not be denied by any lawyer—nay, hardly by the most ignorant Radical in the House—that the word "clergy" had as definite and well-understood a meaning in law as any other legal phrase. And when it was said that property was given to the "Protestant clergy," he apprehended that in the dominions of the Queen of England that would mean the clergy of our own peculiar Church; and he appealed to the hon. and learned Solicitor General as to the correctness of his statement. At all events, he would defy any man to say that it could mean anything else than the clergy of the Church of England in Canada at the time that these reserves were established (whatever extension it had since received to another Protestant Church), and the House had now to deal with the application of that word to Canada. Now, there was no denial of the right of the Crown to make this grant, or of the right of Parliament in 1791 and 1840 to deal with this property as they had done, or of the right and duty of the local Legislature to acquiesce as they had done in the Act of the Imperial Parliament, which was passed only thirteen years ago, as a final settlement of the question; and if, therefore, this was not allowed to stand as a final settlement, what security would there be for the stability of any settlement with regard to any corporation property in any part of the Queen's dominions? They were asked by this Bill to give the consent of the Imperial Parliament that the Canadian Legislature should do that which they could not otherwise do, and which he ventured to say not one of those who were supporting the Bill would say was in itself desirable. "He who allows oppression shares the crime;" and the Imperial Parliament would have to bear the responsibility of the measure for evil or for good. He (Sir R. Inglis) believed it would be for evil; and when the hon. Member (Mr. Peel) said the Church of England in Canada must depend for superiority on the soundness of her doctrine and the sanctity of her clergy, he wished to ask him how far he would carry this argument? Was he prepared to leave religion in England, Scotland, and Ireland without any endowment whatever for the maintenance of its establishments? He had also referred to the prosperity of the English Church in America, without endowment. But the fact was, that the prosperity of the Church of England in the State of New York, where it was most flourishing, was due to its not being dependent on voluntary contributions, but by an endowment of 3,000,000 dollars; the value, as it had become, of dotations made by an English Sovereign, and which had been respected even after the severance of the Province from the Crown. Had it not been for that, he believed that the state of the Church of England in New York would have been as desolate as this measure would perhaps make the Church in Canada. He should give this measure his most decided opposition.

Lord JOHN RUSSELL: Sir, the hon. Gentleman who has just sat down differs certainly a good deal from the right hon. Gentleman the late Secretary for the Colonies (Sir J. Pakington). The former states that these grants from the Crown are so irrevocable, that having been once made it is beyond the competence of Parliament to interfere with them; but if that is the case, the final settlement in 1840, argued upon by the right hon. Member for Droitwich, was a most unjustifiable interference with the previous settlement made by Parliament in 1791. But the difference does not even stop here, because the right hon. Gentlemen the Member for Droitwich, who argues that the final settlement of 1840 should be adhered to at the present time, has laid down, in his despatch to the Governor General of Canada, that if an alteration in the proportion of the members of the Protestant and Catholic Churches should require it that Parliament should again interfere, and that the irrevocable settlement of 1840 should be disturbed by another irrevocable settlement in 1853. It is clear, therefore, that there is no agreement between the right hon. Gentleman and my hon. Friend the Member for the University of Oxford (Sir R. Inglis), or even between the right hon. Gentleman's own convictions and the propositions that he has himself laid down as proper to be considered by Parliament. But in considering this measure, it is really not in question whether it is fitting that Parliament should make endowments which should last for ever. The question really is, as stated by my right hon. Friend the Member for Northampton (Mr. Vernon Smith), whether or not Parliament shall adopt the principle that, with regard to a question of local concern—with regard to a question of the settlement of property, be it the settlement of property on a Church or upon lay bodies—securing, of course, the existing interests of those who have a claim upon the good faith of Parliament—it is fitting that we shall allow the local Parliament to decide. Now, upon that plain question, Her Majesty's Government have no doubt whatever. They think that after doing everything that good faith to existing holders requires, and after allowing the Colonial Parliament to act as to them seemed best on many analogous subjects, we should give them permission also to legislate on this when they desire it, as they do now. I confess that I should have been very glad if the Canadian Parliament had been content with the settlement made in 1840. I introduced that Bill in 1840 upon a subject which had given rise to great heat and much dissension in the Legislature of Upper Canada, in the hope that what I thought were its equitable provisions would prove satisfactory for a very long time to the people of Canada, and that no attempt would be made to disturb that settlement. I even doubt now whether the Legislature of Canada is wise in wishing to disturb that settlement; whether, when this power is given them, they may not find that it will raise new heats and animosities; and whether those who wish for the secular appropriation of the property, and those who wish for some other distribution among all religious bodies, may not come to a wide difference of opinion. But although that may be my own opinion, I do not think that I should be justified in putting my own views, or even those of Her Majesty's Government, in contradiction to the opinion of the united Legislature of Canada, which wishes to deal with this question. Looking to the history of this subject, I cannot say that I think Parliament made a wise provision with respect to Canada in 1791. I think the original notion, which seems to have inspired the Ministry and Parliament of that day, of dividing Canada into two portions, one of which should be inhabited by Roman Catholics of the French race, and the other by Protestants from England, Ireland, and Scotland, was a most unfortunate proposition. It tended in the first place to prevent the growth of those relations of commerce and trade which were so important to both provinces; it raised up two Legislatures, who fell into conflict about tolls, tariffs, and every question on which the local Legislatures could decide. In the next place, it isolated two bodies of men, and one of them deeply attached—I will not say through prejudice—by old habit and preference, both to their ancient religion and their ancient French habits and customs which they derived from their ancestors; and it created another body most active and industrious, and inspired with a good deal of that American desire for proceeding onwards at once without much caring about the obstacles that came in their way. Why, naturally these two bodies came into conflict, and the Legislatures of Upper and Lower Canada were a continual source of disturbance in that great province; and a continual source of difficulty to the Government and Parliament of this country. This was so much the case that when Lord Bathurst was Secretary of State for the Colonies, he found no other remedy than taking the revenue of both provinces and distributing it according to the opinions of the Government of this country. That I think was sufficient to show the total failure of the Act of 1791. Although, therefore, the authority of the right hon. Member for Droitwich (Sir J. Pakington) is against the measure of the union, I am happy to say that that union has remedied many of the evils which were formerly felt. It has caused the two provinces to meet by their representatives in amicable discussion and harmony. They have both agreed to do away with many obstacles to the physical prosperity of the province; and there can hardly be found any instance of a province, whether under the dominion of the Crown of England or belonging to the United States of America, which has made greater progress than the united province of Upper and Lower Canada since the union. It has done so chiefly because we made it a great united province; because we gave them the power to conduct their own affairs according to their own notions and opinions; because we have adhered strictly and constitutionally to that principle, and they have felt, as they were bound to feel, that they were treated fairly and honestly by the Government of this country. This measure is another instance in which we propose to act according to the same policy; and when this Bill has been passed, I have no doubt that the attachment of the people of Canada to the British Crown, and their confidence in the Parliament of this country, will be largely increased.

Mr. HUME said, that having been alluded to, he presumed, as one of the ignorant Radicals in that House, he could not allow the question to pass without thanking Her Majesty's Government for what they proposed to do. They were about to complete that system of self-government that would alone ensure peace in that important colony, because, as the noble Lord (Lord John Russell) had observed, from the hour responsible government was established, there prosperity had commenced. Having many years ago advised the adoption of the course which was now proposed to be taken, it was delightful to him to see the advance of sound principles, and he begged to thank the hon. Gentleman who introduced the subject for the candour with which he had brought forward his Motion. He had done so with great ability; he had omitted nothing that was necessary to elucidate the nature of the object they had in view—to show the evils they desired to remove, and the good that might be expected to arise from the proposed change. He was sure that the sentiments expressed by the hon. Gentleman would be received in Canada in the way they should be received, as embodying the principles that alone could render the colony prosperous. He hoped that this was the commencement of a system which would be also extended to every colony that was entitled to enjoy the advantages and benefits resulting from self-government. He hoped his hon. Friend opposite (Sir R. Inglis), who had objected to the proposition, would venture to take the sense of the House on the question. The Government had proposed to give to the people of Canada the power of dealing with the Church property as they thought fit, and he was sure they would do it in a way that would produce contentment in, and promote the interests of, the colony.

Leave given: Bill *ordered* to be brought in by Mr. Peel, Lord John Russell, and Sir William Molesworth.

The House adjourned at half after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, February 16, 1853.

Minutes.] Public Bills. — 1° Valuation Act Amendment (Ireland); Elections; Cruelty to Animals.

2° Parish Constables; Designs Act Extension; Grand Jury Cess (Ireland); Valuation Act Amendment (Ireland).

Reported. — Valuation Act Amendment (Ireland).

3° County Elections Polls; Transfer of Aids; Valuation Act Amendment (Ireland).

COUNTY ELECTIONS POLLS BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

Colonel SIBTHORP said, he had not the honour of being a county Member, but he felt strongly for those persons whom this Bill must affect. He considered the measure to be a democratic, radical, and dangerous one, that would disfranchise a number of persons, and interfere to prevent those who had property in various counties from exercising their right of voting. He had no hope, however, of its being rejected by that House; but he would rely on another place, where due consideration was given to the liberty—the right, not the radical liberty—of the subject, where he hoped that there would be a proper sense of what was due to the aristocracy of the country, and that this Bill would consequently be thrown out. He had himself given proof of his regard for all classes, but he had no hesitation in saying that if this measure were passed it would endanger the Church and the aristocracy of the country, and even the Throne itself, which they all wished to preserve. He begged to move that this Bill be read a third time that day six months.

Mr. SPOONER seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. DEEDES said, that as the House had already expressed itself decidedly in favour of the Bill, he could not think it advisable that his hon. and gallant Friend should take a division upon that occasion. He had to add, however, that he himself still continued to disapprove of the measure; and he would put it to the noble Lord the Member for Middlesex (Lord R. Grosvenor) whether it was not desirable that he should postpone its further progress. The noble Lord the Secretary for Foreign Affairs had stated the other day that he felt most anxious that some step should be taken for preventing the recurrence of those scenes of bribery and corruption which had recently disgraced so many of the returns to that House; and in that anxiety he (Mr. Deedes) entirely participated. He believed that the attention of those who would in a future Session have to bring the great subject of parliamentary reform before the House, should be earnestly directed to the best means of putting an end to that great evil. It appeared to him that an important step might be taken towards the accomplishment of that object by altering the manner in which votes were taken at county elections. One of the alleged causes of bribery at those elections was, that the candidates considered it necessary to provide refreshments and modes of conveyance for electors who came to the polling places from considerable distances. Now, that source of corruption could be removed by bringing polling places close to every man's doors. He believed that that point should form part of any measure of reform which the Government might hereafter introduce, and until that great question could be submitted to Parliament in all its details, he would submit to the noble Lord whether it was not unadvisable that they should proceed with it piecemeal, as they would be doing by adopting the measure now under the consideration of the House.

Lord ROBERT GROSVENOR said, he regretted that he could not accede to the proposition of his hon. Friend. Although he had not the least doubt that the Government would bring in a Bill for Parliamentary reform, still this small measure, as it had been termed, having received the approbation of the majority of that House, he did not feel justified in withdrawing it.

He should hardly be doing justice to those whose interests were placed in his hands if he were to do so.

Mr. SPOONER said, if his hon. and gallant Friend the Member for Lincoln divided the House, he should certainly divide with him, because he believed that the Bill would not effect the object which the noble Lord sought to accomplish. So far from its causing a saving of expense, his experience, confirmed by all the inquiries he had been able to make, led him to believe that the expense would be considerably increased. Many more polling-places must be provided. The hon. Member for East Kent (Mr. Deedes) had stated that one reason for not now legislating on the subject was, that the Government would early next Session, in all probability, bring in a Bill to prevent bribery and corruption. Now, there was another object equally deserving the attention of the Government—namely, the prevention of intimidation. By enacting that the election should take place in one day, and that the poll should be kept open till 5 o'clock, great facilities would be afforded for using intimidation towards the voters. In the summer time such an arrangement might work very well, but in the short days of winter great opportunities would be given for riots and disturbance.

Mr. HADFIELD said, he was surprised to hear the objections which had been urged by the hon. Member for North Warwickshire (Mr. Spooner) as to the practicability of polling all the votes of a county election in one day. In the West Riding of Yorkshire there were 37,000 voters, and in South Lancashire there were 20,000 voters; he had made inquiries in all directions, and it was the universal opinion that the elections for those places could be completed in one day with the utmost possible facility, and that it would be the means of saving expense and loss of time to a vast extent.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 129; Noes 28: Majority 101.

List of the Ayes.

A'Court, C. H. W.
Alcock, T.
Anderson, Sir J.
Armstrong, R. B.
Baring, rt. hon. Sir F.T.
Barnes, T.
Barrow, W. H.
Beaumont, W. B.
Bell, J.
Berkeley, C. L. G.
Blackett, J. F. B.
Booker, T. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Carter, S.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Child, S.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Cubitt, Ald.
Currie, R.
Divett, E.
Drummond, H.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Eccles, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzroy, hon. H.
Forster, C.
French, F.
Geach, C.
Goderich, Visct.
Goold, W.
Greene, J.
Gregson, S.
Greville, Col. F.
Grey, rt. hon. Sir G.
Hadfield, G.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcote, Sir G. J.
Heathcote, G. H.
Henchy, D. O.
Hervey, Lord A.
Heywood, J.
Hindley, C.
Hutt, W.
Ingham, R.
Jermyn, Earl
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Langton, H. G.
Layard, A. H.
Legh, G. C.
Lewis, rt. hon. Sir T. F.
Liddell, H. G.
Loveden, P.
Lowe, R.
Mackinnon, W. A.
MacGregor, J.
Massey, W. N.
Meagher, T.
Miall, E.
Miles, W.
Milligan, R.
Mills, T.
Morris, D.
Mure, Col.
Oliveira, B.
Osborne, R.
Otway, A. J.
Pollard-Urquhart, W.
Price, W. P.
Robartes, T. J. A.
Russell, F. W.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shee, W.
Shelley, Sir J. V.
Smith, J. B.
Smith, rt. hon. R. V.
Sotheron, T. H. S.
Stanley, Lord
Stanley, hon. W. O.
Stapleton, J.
Strutt, rt. hon. E.
Swift, R.
Thicknesse, R. A.
Thornely, T.
Tufnell, rt. hon. H.
Vernon, G. E. H.
Warner, E.
Wells, W.
Whitbread, S.
Wilkinson, W. A.
Williams, W.
Wilson, M.
Wise, J. A.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Grosvenor, Lord R.
Elliot, J. E.

List of the Noes.

Arbuthnott, hon. Gen.
Arkwright, G.
Butt, G. M.
Clinton, Lord C. P.
Deedes, W.
Forester, rt. hon. Col.
Fraser, Sir W. A.
Graham, Lord M. W.
Gwyn, H.
Hawkins, W. W.
Hotham, Lord
Knatchbull, W. F.
Lovaine, Lord
Maddock, Sir T. H.
Miller, T. J.
Mills, A.
Mundy, W.
Palmer, R.
Parker, R. T.
Repton, G. W. J.
Smijth, Sir W.
Smith, W. M.

Stanhope, J. B.	Willoughby, Sir H.
Trollope, rt. hon. Sir J.	
Tyler, Sir G.	TELLERS.
Vansittart, G. H.	Sibthorp, Col.
Waddington, H. S.	Spooner, R.

Main Question put, and *agreed to.*

Bill read 3°.

Captain SCOBELL moved to add the Clause of which he had given notice. He said, there were numerous instances where much injury had accrued to persons in consequence of the polling taking place at public-houses.

Clause—"No Poll shall be taken in any licensed public-house or beerhouse, nor on the premises thereof, or in any room or booth connected therewith"—*Brought up,* and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

Lord ROBERT GROSVENOR said, he did not like to offer any opposition to the clause; at the same time he had some hesitation about it, because of the words "nor upon the premises thereof." At the last election for Middlesex a great hall was used as a polling place, and which hall was connected with a large hotel, and if he adopted this clause he would be prohibiting the use of that hall for election purposes. As another Bill was about to be brought in by the hon. and learned Member for Weymouth (Mr. G. M. Butt) on this subject, he would suggest to the hon. and gallant Gentleman to attach his clause to that Bill.

Captain SCOBELL said, he must decline acceding to the suggestion of the noble Lord.

Mr. G. BUTT said, that for himself he had no objection to the principle of the clause, but he did not understand what interpretation was to be put upon the words, "nor upon the premises thereof." It would be most convenient, on bringing up a clause to any Bill, that it should be expressed in such clear and definite words as to admit of their afterwards arriving at a satisfactory opinion upon it. Looking at the words he had quoted, they did not appear to him to carry the clause further than what the previous words expressed—namely, "any licensed public-house or beerhouse," and the addition of those words to the clause would only have the effect of introducing ambiguity, and of rendering it exceedingly difficult to construe the clause. He would therefore submit to the hon. and gallant Member that he should at least reconsider the clause, and probably he would see reason to strike out those words.

Mr. ROBERT PALMER said, he concurred in the opinion just expressed by the hon. and learned Member for Weymouth. It did happen that in the county of Berks the town-hall at Maidenhead, which was used for election purposes, had a public-house beneath it; it would be impossible, if this clause was agreed to, to use that hall for any such purpose in future if the words "nor upon the premises thereof" were adopted. He thought it desirable that those words at least should be left out of the clause.

Mr. HEADLAM said, he did not object to the principle contained in the clause, but thought it doubtful whether it was desirable that a Bill, having a perfectly different object, should have such a clause inserted in it.

Mr. FREWEN thought the clause did not strictly come within the title of the Bill.

Sir GEORGE GREY said, that unless the clause was drawn with great care, it would raise endless questions as to the legality of elections. He would recommend to the hon. and gallant Member to withdraw his proposition for the present.

Captain SCOBELL: I withdraw the clause, with the view of introducing it into the forthcoming Bill of the hon. and learned Gentleman opposite (Mr. G. Butt).

Motion, by leave, *withdrawn:*—Clause *withdrawn.*

Lord ROBERT GROSVENOR then proposed an alteration in the Bill, with the view of providing that the declaration of the result of the poll should be made on the day after the polling, instead of on the day but one after, as at present.

Amendment proposed, in page 2, line 15, to leave out the words "day next but one," in order to insert the words "following day," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Bill."

Colonel SIBTHORP said, he must object to the noble Lord's patchwork.

Mr. NEWDEGATE thought the interval of a quiet day between the close of the poll and the declaration had a salutary effect in allowing party spirit, which often ran high at elections, to subside. Besides, it would be impossible, in the case of many counties, for the returns from the different polling places to be all brought from a distance to a common centre, and there to be satisfactorily scrutinised before the result was declared, unless an interval of one day was given for that purpose.

Lord **ROBERT GROSVENOR** said, he would withdraw the proposition.

Motion, by leave, *withdrawn.* Bill *passed.*

PARISH CONSTABLES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read the Second Time."

Mr. **DEEDES**, in moving the Second Reading of this Bill, and in explaining the object and the provisions of the measure, said, that in the year 1839 an Act was passed called the Rural Police Act, which was afterwards amended in 1840. It was a permissive Act, enabling counties having an insufficiency of police to place the whole or part of their territory under its provisions; and the number of counties in England and Wales which were now under the operation of this Act was twenty-three. There were exactly another twenty-three counties which had not yet adopted its provisions, and six counties in which they had been only partially introduced. These figures showed a sufficiently large interest concerned to justify him in attempting by the present Bill to supply the deficiencies which existed. He had been told that his measure was perhaps hostile to the intentions of the Rural Police Act; but he had no desire to give it that effect. His Bill was not designed to affect any of the counties which had adopted the provisions of the Rural Police Act; and it provided that any county which should hereafter partially or wholly adopt the provisions of that Act, should be exempted from the operation of his present measure. In 1842, two years after the Rural Police Act had been passed, there was introduced into this House, by the right hon. Baronet the Member for Carlisle (Sir J. Graham), a measure, which might be said to have passed *sub silentio.* At that time, and when introducing that Bill, the right hon. Baronet declared he had no intention whatever of interfering with the Rural Police Act; and he (Mr. Deedes) could say the same on the present occasion. It had also been objected that this Bill would prevent other counties from hereafter coming under the Rural Police Act; but he thought it would have a contrary effect, because some counties, either on the ground of expense, or on account of the conditions of the population in their petty sessional divisions, had not chosen to place themselves under the Rural Police Act; but if they adopted this Bill of his, it would be a stepping-stone to the introduction of the provisions of the Rural Police Act into such counties. For under this Bill, general superintendents would be appointed over the constables as paid servants of the county, who would act in a manner analogous to the senior officers of the rural police; and thus if counties could not obtain the whole of the benefits of the Rural Police Act, they would get a part. The county of Chester, which was under a local Act, and the county of Middlesex, which was within the metropolitan police district, would both be exempted from the operation of this Bill. He wished to consolidate and amend the three existing Acts on this subject—one of which was passed in 1842, the second a year or two later, and the third in 1850; but the points of novelty to which he wished to call the attention of the House were the following: By the existing law each of the superintending constables for every petty sessional division could be appointed at the option of the county magistrates in general or quarter sessions, if it were thought necessary to have such an officer, and if they did elect one the petty constables were to be under his control, and thus a species of organisation was established, similar, in some degree, to the organisation created under the Rural Police Act. Now, by this Bill he sought to make the appointment of these superintending constables imperative, being convinced that the parish constable system without such superintendents was of no use whatever. He also intended to give the justices power, in certain cases where the extent of the population or the average of the petty divisions demanded it, to appoint a second superintendent. The next point of novelty was the provision for the appointment of a chief superintending constable, and that appointment he made only permissive, and not compulsory. This clause he had introduced into his measure at the suggestion of the right hon. Gentleman opposite (Sir G. Grey). The next point of novelty in the Bill related to lock-up houses. He proposed to extend the power under which lock-up houses might be built, so as to give justices facility of contract with separate jurisdictions, or with adjacent counties, for the purpose of placing prisoners under temporary confinement, without such justices going to the expense of building lock-up houses for themselves. He also proposed to charge the county rates with the expenditure for staves and handcuffs for the parish constables. He likewise proposed to permit the justices to give superanuation allowances to chief-superintending constables in cases of sickness or infirmity, under certain limitations. He also had in view to increase the facilities with which the lists of constables were annually made up, in order to cure an anomaly in the existing law. The next material change was in the liability of persons to serve as parish constables. At present the age of liability was between twenty-five and fifty-five, with an additional qualification as to rental. He proposed that the age should be from twenty-one to fifty-five, provided the party had the other requisite qualifications. Another clause would also give power to the vestry to name one man, who was to be the head constable of the parish, and with whom the chief superintendent was to be in constant communication. The Bill also contained a list of exemptions, which might be extended, in one or two instances, to Judges of the County Courts, for example, and of the Courts of Bankruptcy. He also proposed to exempt from the operation of the Bill all counties or parts of counties which were now under the Rural Police Act, or might hereafter adopt the provisions of that Act. Under the present licensing Act, for alehouses the precepts were directed to the high constables, and the Bill had it in view to do away with the necessity of so employing high constables, and to enable the superintending constable, or parish constable, to be charged with the service of the requisite notices. He proposed also to give increased facilities for the summoning of juries, the preparation of jury lists, and the more equitable imposition of the costs of prosecuting vagrants. He had now gone through all the points on which he thought it necessary to trouble the House. He had wished to put before the House as plainly as he could the object he had had in view in bringing forward this Bill, and he would simply say, in conclusion, his aim from beginning to end had been to submit the measure to the greatest possible publicity. With that object he had sent it to parties interested in the subject in almost every direction, for the purpose of inviting observations upon it, and those observations he had acted upon wherever he could do so conscientiously; and with the further desire of having the Bill thoroughly examined in all its details, he proposed to refer it to a Select Committee upstairs.

Bill read 2°, and *committed* to a Select Committee.

ELECTIONS BILL.

MR. G. BUTT said, he begged permission to move for leave to bring in a Bill to limit the time between the proclamation and day of election in counties, and between the receipt of the writ and the election in boroughs; to limit the polling at elections for the Universities of Oxford and Cambridge; and otherwise to regulate the proceedings of elections for Members of Parliament in England and Wales. The House was aware that, so far as related to counties, the law stood now as it stood in 1785, for by an Act of 25 *Geo.* III. provision was made that proclamation should be made by the sheriff in counties within two days after the receipt of the writ, and the day of election was to be not later than sixteen days, nor sooner than ten days, from the day of proclamation of the writ. By the Bill which he asked the leave of the House to introduce, it was proposed that the election should take place not later than ten days, nor sooner than six days, from the day of proclamation. With regard to cities and boroughs, the House was aware that the law was regulated by the provisions of the Statute of 3 & 4 *Vict.*, c. 81, by which it was enacted that the returning officer for cities and boroughs should, within eight days after the receipt of the writ and precept, proceed to the election, giving three clear days' notice thereof. He proposed by this Bill to limit the time to six days, within which the returning officer should proceed to the election, giving two clear days' notice of his intention. There was also another clause in the Bill, which he submitted would be a reasonable one. The time for taking the poll in the Universities of Oxford and Cambridge was not altered by the Reform Act, and therefore there might be fifteen days' polling; but he submitted that five days would be amply sufficient for that purpose, regard being had to the present facilities for travelling to Oxford and Cambridge. There was another provision in the Bill, which he submitted might be adopted with advantage. No additional polling places were appointed by the Reform Act, and it consequently became necessary a few years afterwards to give the Crown, on the petition of the magistrates at quarter-sessions, power to appoint additional polling places; but there was no provision in that Act to substitute other polling places for such as might be found to be inconvenient. He proposed, by one of the clauses of his Bill, to give Her Majesty a similar power to substitute polling places for those already appointed, upon a like petition from the magistrates assembled in quarter-sessions. With regard to elections for counties, he believed that it would not for a moment be disputed that the great expense was incurred after the proclamation, and between that day and the day of election. He took it for granted that the time which might have been necessary before the Reform Bill, could not be necessary now to give the voters fair and ample time to exercise their franchise. By limiting the time they would protect the candidate against unnecessary expenses of election, and they would also diminish the opportunity for that corruption and those unseemly things which they all knew took place at all elections, for counties as well as for boroughs. On this account he moved for leave to bring in his Bill; and in doing so, he would suggest to the Government the importance of consolidating and amending the laws relating to elections, particularly those which related to bribery and treating. He trusted, also, that when consolidated the law would be laid down in plain English, for it was high time that a reform should be made in the language of Acts of Parliament, the meaning of which ought to be intelligible without a glossary.

Mr. PHINN seconded the Motion. He did not mean to discuss the question on the present occasion, but he wished that a clause could be engrafted on the proposed Bill, abolishing the present circuitous mode of sending the writ to the returning officer of a borough. It was, in the first instance, sent to the sheriff of the county, and by him transmitted to the borough officer, and this roundabout process gave rise in some instances to objectionable proceedings, and was made a ground for extorting a fee from the unfortunate candidate. He quite concurred in what had been said by the hon. and learned Gentleman who introduced the measure respecting the Universities of Oxford and Cambridge, and he hoped that before another election took place there would be a change in the mode of voting at University elections. The presumption was, as the fact was in boroughs, that the voters resided in or within a short distance of the borough; but in the Universities the presumption was that the voters did not reside; and he hoped that means might be taken for enabling them to vote in their respective localities. With regard to the consolidation of the various laws regarding elections, he might state that the matter had been brought under the notice of the counsel to the Speaker, and another officer of the House, both of whom would be able to render most valuable aid to the Select Committee which he hoped would be appointed to take the subject into consideration. If there was to be a codification of the law, they ought to begin by codifying this branch of it, because it was administered by persons who were not lawyers, who were obliged at present to receive the statement of the law from counsel. He did not know any reform which was more pressing than this, or one which would do the House more credit if it was adopted.

Mr. SIDNEY HERBERT said, that with respect to the consolidation of the law regarding elections, the House was already aware, from the statement made by the Lord Chancellor, that the whole subject was under the consideration of the Government, and it was hoped that some steps would be taken immediately in consequence. He should offer no objection to the first reading of the Bill; but, without expressing any opinion upon the mode in which the hon. and learned Member proposed to carry out the objects which he had in view, it would be for the hon. and learned Member to consider, whenever the second reading of the Bill came before the House, how far it might be for the convenience of public business and the economy of the public time, to entertain during the present Session a measure of this kind, after his noble Friend (Lord John Russell) had announced the attention of the Government to bring in a Bill for amending the representation of the people in Parliament. In the meanwhile the Government would be glad to see the mode in which the hon. and learned Member proposed to deal with the questions to which his Bill related.

Leave given; Bill *ordered* to be brought in by Mr. George Butt and Mr. Mullings.

The House adjourned at Five o'clock.

HOUSE OF LORDS,

Thursday, February 17, 1853.

MINUTES.] *Sat First in Parliament*—The Earl of Beauchamp, after the death of his Brother.
Took the Oaths.—The Earl of Burlington.
PUBLIC BILLS.—1ª Transfer of Aids; Law of Evidence (Scotland); County Elections Polls; Valuation Act Amendment (Ireland).

TRANSPORTATION.

LORD MONTEAGLE said, it had been rumoured that the Government intended to introduce some measure the effect of which would be the total suppression of transportation to Australia. Now that he thought must be a mistake; he believed that so far from there being any indisposition on the part of the inhabitants of Western Australia to receive convicts, they were desirous that convicts should be sent to that colony. He wished to know, therefore, from the noble Duke (the Duke of Newcastle) whether it was intended that the contemplated measure should apply to Western Australia?

The DUKE of NEWCASTLE said, he was much obliged to his noble Friend for putting this question, because there had been considerable misapprehension abroad as to what fell from the noble Secretary of State for Foreign Affairs (Lord John Russell) in the House of Commons last week, when he announced the measures proposed to be introduced by the Government. Before he answered the question, it might perhaps be convenient that he should state the position in which this question stood upon the accession of the present Government to office. It would be recollected that, at the commencement of the Session in November last, Her Majesty, in the Speech from the Throne, recommended Parliament to take into consideration at an early period whether it might not be possible, by changes in the law, so to deal with the question of secondary punishments as to enable them before long to dispense with transportation to Van Diemen's Land. {He (the Duke of Newcastle) found that on the 14th of December his predecessor in the office of Colonial Secretary (Sir John Pakington) addressed to the Governors of the Australian Colonies a despatch on this subject, in which he stated that the then Government would be prepared, as speedily as possible, to abandon transportation to Van Diemen's Land; but that it would be necessary to effect certain changes in the law, and to make preparations in this country with reference to increased prison accommodation and other matters, which prevented him from fixing any definite time at which transportation would cease; but he promised that it should be brought to a close as speedily as arrangements could be made. Upon succeeding that right hon. Gentleman in the Colonial Office, and his attention having been called to the state of the question, it occurred to him, and to the other Members of the Government, that, with this promise of an early cessation of transportation to Van Diemen's Land, it was necessary immediately to look into the subject both in its bearings upon the Colonies and upon this country, with the view of endeavouring to decide at what exact period it might be possible to bring the system to a final termination. With that view, having entered into communication with his noble Friend the Secretary for the Home Department (Viscount Palmerston), and having carefully investigated the subject, they came some short time ago to the conclusion that it would be practicable, and that being practicable it was most desirable, that transportation to Van Diemen's Land should cease at once. He had therefore the pleasure of assuring his noble Friend, in answer to his question, that, as regarded Van Diemen's Land, not one convict more would be sent there. In stating that, however, he would not conceal from his noble Friend, or from the House, that the question was not by any means unanimously decided in the colony of Van Diemen's Land whether or not it was time that transportation should cease. At the same time, looking to what was, he thought he might say, the general feeling of the colony, and to the fact that the other colonies contiguous to it were so deeply interested in the question, and so greatly affected by the continuance of transportation to Van Diemen's Land, he thought there could be but one opinion as to the propriety of the course taken by the Government, that transportation to that colony should cease at once and altogether. As to the question, so far as it regarded transportation to Western Australia, what had fallen from his noble Friend the Foreign Secretary (Lord John Russell) in the other House had been misunderstood. His noble Friend had not said that transportation should at once and immediately cease to all the Australian Colonies, but that it should cease immediately as regarded Van

Diemen's Land. The noble Lord (Lord Monteagle) had rightly stated that, with regard to Western Australia, so far from its being desired by the colonists that transportation should cease, it was alleged by many persons that it would be a very great inconvenience to that colony if transportation were at once abandoned. With respect to that colony, very considerable expenditure had been incurred by this country, within a very recent period, for the accommodation of convicts there; and, looking to this expenditure, to the interests of the colony, and to this further fact, that while they were benefiting the colonists of Western Australia by continuing transportation to that colony, they were not in any way injuring any other colony, because its remote position, as compared with that of others, prevented that efflux of convicts who received their pardons into other colonies, which did take place from Van Diemen's Land—looking at all these facts, the Government had come to the conclusion that it might be safe and wise for a short period, and to a limited extent, to continue transportation to Western Australia. At the same time he thought it necessary to state—and he did not say it with any view of now introducing a discussion on the subject, which he thought would be premature; but, in reference to what had fallen from his noble and learned Friend the Lord Chief Justice the other night, and to the alteration of the law which must take place this Session, in order that there might be no misconception or misunderstanding on the point, he would remind them that the colony of Western Australia was of very limited extent indeed: he did not mean, of course, with respect to territory, but population. The free population of that colony was extremely small. The number of convicts hitherto sent there was not inconsiderable, and consequently the means of receiving others were but limited. It was therefore right that he should state, looking to the alteration of the law upon this subject which must take place before long—he meant in the present Session—and looking to the circumstance that Western Australia now remained the only colony to which, with safety to the interests of the colonists, transportation could be continued, that he could not, on the part of the Government, hold out any expectation but that transportation to Western Australia would also, before long, be brought to a final conclusion. However, convicts would, in all probability, be sent out to that colony for a very short time, and to a limited extent. But with regard to Van Diemen's Land, and all other Australian Colonies, no further convicts would be sent to them.

LORD CAMPBELL did not desire to enter into any lengthened discussion upon the subject to which their Lordships' attention had been drawn, but he must express his most earnest desire that Her Majesty's Government should deliberate carefully before they determined upon the abolition of transportation. He thought that system afforded the best chance of reforming criminals, and of protecting the community at large from the repetition of those crimes for which they were transported. He declared to their Lordships, that from his experience as a Judge he was in a position to state that the sentence of transportation produced the deepest effect not only upon those upon whom it was passed, but on all who heard it pronounced. He believed that no length of imprisonment that could be inflicted upon a criminal, afforded the slightest chance of his reformation. Let them look to the state of things in a country with which his noble and learned Friend who sat near him (Lord Brougham) was well acquainted—he meant France. He had conversed with a great number of eminent lawyers and statesmen in that country, and he had been informed by them that criminals returning to Paris from the *travaux forces,* uniformly returned to their habits of depredation and violence. Those lawyers and statesmen had expressed themselves in the highest terms in favour of the system which prevailed in this country, by which criminals were removed altogether from the scene of their outrages, and had an opportunity of becoming useful and respectable members of society. If the Government should decide on the abolition of transportation to Australia, he most earnestly hoped that some other part of the world would be found to which our convicts might be sent, for he despaired of finding any system of secondary punishment at home which could be advantageously substituted for it.

LORD BROUGHAM did not wish to prolong the conversation; but as his noble and learned Friend had referred to him upon the opinions held in France upon this subject, he was bound to add that some change might be observed in the opinions of reflecting and well-informed persons, and that in some quarters where, some years ago, a strong opinion was entertained against the punishment of the galleys, and in favour of transportation, or what the French called "deportation," there was now much hesitation on the subject, and a strong disposition to reconsider the matter. It was certain, however, that the great bulk of the people were favourable to transportation, such opinion being founded upon their actual experience of the working of the existing system of punishment. If their Lordships would look at the reports of proceedings in the criminal courts in any part of France, but particularly in the great cities, they would find that a very considerable number of the convicts who were sentenced were persons who had before been condemned to the *travaux forces;* and that these were not escaped convicts, but persons who, after suffering heavy punishments, had been turned loose upon society, and had again resorted to the commission of crime. He would not say that the penitentiary system of this country might not be so greatly improved as to provide a fit and proper system of secondary punishments; but the difficulty was very great, as those noble Lords who had attended their Committee in 1847 well knew.

Lord ST. LEONARDS said, that the late Government had no desire that he was aware of to abolish transportation. He was not himself aware of any secondary punishment that could be advantageously inflicted in this country by way of substitution for transportation; but the question was, whether transportation could or could not be maintained. It was clear that they could not continue to send convicts to places to which they had hitherto been sent; but he was not aware that it was necessary to do away with transportation altogether, for not only was Western Australia open to them for some time, but they had also Bermuda, Gibraltar, and other places, to which he believed they might continue to send persons who were transported to be employed on the public works. He hoped the Government would not carry into execution the abolition of the punishment of transportation beyond the necessity of the case, for he, for one, thought that transportation was the best secondary punishment that had hitherto been devised in this country; but, as far as there was a necessity for its cessation, they must submit.

The Duke of NEWCASTLE observed, that the question of transportation, so far as the colonies were concerned, stood upon a totally different footing from what the noble and learned Lord who had last spoken alluded to as transportation to Bermuda and Gibraltar. The convict establishments in those places stood more on the same footing, though on a different soil, with those at Dartmoor and Portland. They were prisons where the convicts were employed on public works; and, with respect to them, it was not the intention of the Government to introduce any alteration whatever.

Lord ST. LEONARDS said, he was perfectly aware of the distinction to which the noble Duke had referred, but he had thought it necessary to advert to it. All he had meant to say was, that being sent to these places was transportation, and that, as the convicts could there be occupied usefully as regarded the public, there was no necessity for the total cessation of transportation.

THE LORD LIEUTENANCY OF IRELAND.

The Earl of CARDIGAN rose, in pursuance of the notice he had put upon the paper, to put a question on the subject of abolishing the office of Lord Lieutenant of Ireland, and assured their Lordships that he would not have presumed to obtrude himself on their notice for the purpose of originating a discussion on such an important subject as this, even by asking a question; but the ground of his justification for rising at present was, that the subject was not new to their Lordships, it having been brought under the notice of both Houses of Parliament one or two years since by a measure which was then introduced for the abolition of the Lord Lieutenancy of Ireland by the noble Lord who at present occupied the office of Secretary of State for Foreign Affairs (Lord John Russell); and he found that on several occasions the House of Commons had come to divisions on the subject, and that there was invariably a large majority in favour of the measure introduced by the noble Lord. He found also, that it was not at all considered as a party question, for he saw the names of Gentlemen of all parties—Sir Robert Peel for instance—in the majority. Before he put the question, he was anxious to make one or two observations on the subject. It appeared to him that the noble Lords who were selected to fill the important post of Lord Lieutenant of Ireland, were placed in a very equivocal, painful, and anomalous position. He (the Earl of Cardigan) had had the honour of paying his respects in the course of the last few years to several of those whom, without meaning to use a harsh expression, he would call mock kings, or, if they liked it better, fictitious kings; and he could not help observing that he had often admired the great good humour with which they carried themselves through the difficult task which had been imposed upon them, although he must confess there were some occasions on which he had witnessed a want of tact and quickness in assuming royal habits and demeanour, which, perhaps, was hardly to be wondered at, considering the newness of the position, and the fact that its duties must have been foreign to the previous habits of many of them. He was perfectly aware, however, that some of the noble Lords who had been placed in that position had rendered great and essential services to the country while holding that office. There was, for instance, a noble Earl on the other side (the Earl of Clarendon), who in a time of serious public disturbance exhibited a great deal of decision, talent, and judgment, in suppressing that disturbance, and had thereby rendered great and important service to his country; and there was another noble Earl, who, if he had been present, would have been sitting on his side of the House (the Earl of Eglintoun), who by the sound judgment, discretion, and tact which he evinced during his period of office, had obtained a universal and well-merited popularity. But he (the Earl of Cardigan) did not believe that, had the noble Earl opposite not occupied the position of Lord Lieutenant at the critical period to which he had referred, the result would have been very different from what it was; that the British Empire would have been dismembered, or, that the United Kingdom of Great Britain and Ireland would have ceased to exist. He certainly felt, however, that any noble Lord who undertook to occupy the position was exposed to great difficulties. Let their Lordships just observe the course of a Viceroy. He would suppose that a noble Lord of unblemished and highly respectable character, though perhaps not of transcendent ability, young in years, and younger and lower still in the list of the Peerage, was selected to pass over to the other side of the water to fill the office of Viceroy in that part of Her Majesty's dominions. He arrived in the country amidst a great parade of troops; he then proceeded to take the oaths, and immediately afterwards held a number of levees and drawing-rooms, at which he has to undergo the task of saluting 300 or 400 ladies; an amusement very innocent in itself, but it appeared to him very extraordinary that any one of their Lordships should be placed in a position where he had to undergo such a ceremony as a point of duty. These were followed up by several great *fêtes* and dinners at the Castle, which were, no doubt, very agreeable both as acts of hospitality and as an encouragement of trade; but it ought to be recollected that it was not necessary that any one should assume Royal habits in order to enable him to give those entertainments. At those *fêtes* and dinners there appeared a numerous and splendid staff, and various high officers of the household, such as a Chamberlain, a Controller, Treasurer, and a Master of the Horse. He believed that one of the principal duties of the staff officers on such occasions was to carve the massive joints on the vicegeral table. The Master of the Horse had a high salary for superintending an establishment of some eight or ten horses; and probably knew as much about the selection of these horses as some other Masters of the Horse in other countries. But there was another serious objection to the system, and that was, many of the Household officers held appointments in the Army, and, although away from their military duties, retained their full pay in addition to their salaries, large or small, as officers of the vicegeral household. He must say that that was a very objectionable system. In addition to giving *fêtes* and dinners, it was also necessary that the new Viceroy should go to the theatre, on which occasion he proceeded through the quiet streets of Dublin attended by a cavalry escort. At the theatre he had an opportunity of showing himself off to his admiring subjects; and he must say that he was in general well received by the good-humoured and versatile inhabitants of the Irish metropolis. At the theatre there must of course be a representation; and if it happened by chance to be the well-known farce of *King Charming*, the Viceroy might see not a very unfaithful representation of his own very equivocal and somewhat ludicrous position. Did their Lordships really think that in this 19th century, when genius, talent, education, and instruction were making such rapid advances, a little common sense on the details of the Government of this great country should not be allowed to go along with them? It appeared from experience that the maintenance of the office of Lord Lieutenant, so far from tending to expedite business, was exceedingly inconvenient. In the first place, it led to irresponsibility—for one great inconvenience was the difficulty on the part of persons who had occasion to transact Irish business in finding out where the responsibility lay—the officials in Ireland, when applied to, declaring that they could give no decided answer in the matter, as it was one which must be settled by the Imperial Government; and the Imperial Government, when applied to, declaring that they could do nothing without the advice of the Lord Lieutenant. Then came the inconvenience of the frequent changing of Lords Lieutenant with every change of Government, which were not unfrequent since the Reform Bill, and to all appearance not likely to be less so. A Lord Lieutenant might get tired of the round of ceremonies which he had to go through; and they had known cases where a Lord Lieutenant had preferred being a Secretary of State to his mimic royalty. Nor was it possible with such changes duly to administer the laws, and especially those for the repression of crime and irregularities. Great inconvenience also arose from the frequent changes; because it unfortunately happened that each Viceroy was in the habit of reversing the acts of his predecessor. For instance, the noble Earl opposite (the Earl of Clarendon), when helding the office, thought proper to remove a noble Earl (the Earl of Roden) from the high position he held in the magistracy of his county; and it appeared that the noble Lord who had just gone over had offered to reinstate the noble Earl in his old position, but had made the offer in such an offensive way that the noble Lord scorned the proffered boon. There was also the strong case of Mr. Kirwan, the stipendiary magistrate, who, for a serious offence, received from the late Lord Lieutenant the lenient sentence of six months' suspension from office; and it appeared that the Lord Lieutenant who had just gone over had reversed that decision, and would not allow that moderate punishment to be carried out, but had instantly ordered Mr. Kirwan to be reinstated in his post. Such changes must necessarily lead to great uncertainty in the administration of justice. There was still another, which he alluded to a few evenings ago—he meant the Six-mile Bridge affair, in which there were two most important points before the Government, namely, the prosecution of the soldiers and of the Roman Catholic priests. He maintained that the office of Lord Lieutenant was quite unnecessary, now that the communication between the two capitals of England and Ireland was so close and constant. There were at present no fewer than three mails each day from London to Dublin, and two back, besides an electric telegraph to Holyhead, and a submarine telegraph from Holyhead to Dublin, when it was in working order, yet nothing was known here respecting these two points by what was called the Imperial Government; and it seemed as if the local Government was still floundering about in uncertainty and indecision. He trusted that nothing he had said would be so misunderstood as to raise any doubts as to his perfect loyalty and veneration for genuine Royalty in all its forms. He was happy to believe that the people of this country generally were loyal; but he had a double right to have his own loyalty unquestioned; for an ancestor of his, of the same name, had suffered a long imprisonment for his devotion to the first Charles, and his family had been amongst those most noted for their fidelity to the Crown for the last two hundred years. But when it came to a question of bowing the head and bending the knee to one of their Lordships' House—he thought, without any disrespect to their Lordships either collectively or individually—he must say that he found the superabundance and overflowing of loyalty, and love of royalty, and all its forms, and all its etiquette, began on such occasions considerably to evaporate. The proposition to abolish the viceregal court might well fill up the interim which would elapse before the production of the great Government measure for the reform of the national representation, and might therefore be useful to the Government. He did not know whether that great measure was framed or created; but it was pretty clear that, unlike other creations, it would take much more than nine months to bring it into the world. If the noble Lord the Secretary for Foreign Affairs again brought forward his measure, he (the Earl of Cardigan) had no doubt it would meet with the support of many Members of this House. He should certainly accord it his own, though he was afraid it would be almost the only vote he should give to the Government—that "happy family," composed of persons of every political faith and creed, the most directly opposed to each other that human ingenuity or the mind of man ever devised. The question he wished to put to the noble Earl was, whether Her Majesty's Government intended to carry into effect the announcement made by the Secretary of State for Foreign Affairs, when First Lord of the Treasury, of his intention to do away with the Office of Lord Lieutenant of Ireland?

The EARL of ABERDEEN said, that, in answering the question of the noble Earl, he should not think it necessary to enter into an inquiry of how far it might be expedient to abolish the office of Lord Lieutenant, nor should he inquire into the various agreeable duties which the noble Earl had assigned to that official. No doubt the subject to which he had alluded had occupied the attention of the Parliament; but with respect to his noble Friend (Lord John Russell), to whom the noble Earl had alluded, he believed he might say with truth that, whatever might have been his opinion, his intention of abolishing the office of Lord Lieutenant had been abandoned before he gave up the office of First Lord of the Treasury; for it had been found, whatever reasons might have induced the proposal, that it would be received with so much aversion in that country, that all the advantages which the noble Earl had described, even including the abolition of *fêtes*, dinners, and processions, would not compensate for the ill-will and opposition which it would occasion. Therefore it was that his noble Friend had abandoned that intention before he quitted office. The noble Earl, who had given notice of his intention to put a question only, had made a speech upon the whole state of Ireland. He was afraid, even at the risk of losing the solitary vote which the noble Earl had promised him, that he should not be able to give him a satisfactory reply. No doubt, the reasons which the noble Earl had urged, and which unfortunately had no weight with him, might have had much weight with the noble Lords opposite, and he could not see why last year the noble Earl should not have urged all those reasons which he had now offered. However, as the noble Earl had asked the intention of Her Majesty's present Government, he could answer without any hesitation that they had no intention of abolishing the office of Lord Lieutenant.

The EARL of WICKLOW was very much disappointed at the reply which had just proceeded from the noble Earl near him. Whatever objections might have existed to the abolition of the office hitherto, were now removed by the facilitated intercourse which existed between the two countries. He thought it would be highly beneficial that the proposed change should take place. In an economical point of view it would be very desirable. At all events, if the Lord Lieutenant were to continue in that country, he ought no longer to possess the prerogative of mercy; an event which had recently occurred had given an additional reason why that prerogative should be reserved to the Crown itself.

The EARL of DESART fully acknowledged the anomaly of the present system, which he admitted to be more suited to times of weekly or monthly intercommunication than to the present. But when a great change was to be made in an office which had lasted for five centuries, some stronger reasons should be given for it than those advanced on the ground of economical reform. As far as he recollected the statement of the noble Lord the present Secretary for Foreign Affairs on the subject, he did not admit that the change would be any saving of expense. While he could see no advantage from the abolition of the office, he thought he could point out the benefits that had resulted from the vice-regal power. He could not forget the patriotic services of Lord Besborough in 1846, nor those of the noble Earl opposite (the Earl of Clarendon) in the troubled years of 1847-8, nor the simplicity and firmness that characterised the administration of the Earl of Eglinton; qualities not only calculated to command the respect, but also the affection, of the Irish people. These things should make them pause ere they attempted to destroy so ancient an institution.

LAW REFORM—LAW OF EVIDENCE (SCOTLAND) BILL.

LORD BROUGHAM having laid on the table a Bill, to alter and amend an Act of the fifteenth year of Her present Majesty, for amending the Law of Evidence in Scotland, expressed his regret that his noble and learned Friend on the woolsack (Lord Cranworth) should have made his statement on law reform in his (Lord Brougham's) absence, because, as the noble and learned Lord had made objections to one of his (Lord Brougham's) measures, he felt it necessary, on the first opportunity, to defend it. No doubt it was very gratifying to the friends of law amendment to see the forces of the Government directed to that subject; but when they found those forces going neither backward nor forward, but merely performing the operation of "marking time," seeming to move when they did not advance at all, they felt suspicion and alarm. He was afraid that there was something in the statement of his noble and learned Friend that looked like "marking time." The very few measures which he had announced were, however, important; but of these the most important was the digest of the law. He (Lord Brougham) must say, that the conduct of the late Government, in adopting the digest of criminal law, recommended by the Criminal Law Commission, and embodied in each of his (Lord Brougham's) Bills of 1845, 1848, and 1850, had his (Lord Brougham's) warmest approbation. With respect to trial by jury, God forbid that any attempt should be made to abolish it. Nor was that proposed in the Bill he had presented last November. What was proposed was, that the parties should have an option; and he might even agree that they should not have the option in cases of tort. He admitted that it would require great consideration as to the extent to which this enactment should be carried. But what had experience shown in the county courts? Why, that in only three cases out of 100 where the parties had the option of having a jury or taking the opinion of the Judge, had the parties chosen to have their cases tried by a jury. There were one or two other subjects on which he wished to express an opinion, but when the Bills were brought in, he should have abundant opportunity of discussing them. He hoped his noble and learned Friend would apply his mind to other matters, as well as those upon which he had given notice of his intention to proceed; and such was his entire confidence in the good sense, learning, and experience of his noble and learned Friend, that he felt assured he would treat them in accordance with those sound, rational, and moderate views which he was known to entertain.

The LORD CHANCELLOR said, he could assure their Lordships, and his noble and learned Friend in particular, that no one in that House regretted more than he did that he had felt bound to make that statement on a day when his noble and learned Friend was not present in his place. But he would observe, it might well have been supposed out of doors that he wanted to "mark time" instead of advancing, if he had not taken the very earliest opportunity of stating to their Lordships, and through their Lordships to the country, what were the intentions of the Government on the important subject of law reform. Had he known that his noble and learned Friend would so soon be in the House, he might, perhaps, have been induced to make that statement somewhat later. He took some blame to himself that he did not make the inquiry; but it did not occur to him that his noble and learned Friend, who was so seldom absent from his place, would not be there, so he gave notice on the first night of the Session that on Monday he would make the statement which he then did. He regretted his noble and learned Friend was not present, because he felt persuaded he would have seen that he (the Lord Chancellor) exhibited no intention of "marking time," but of advancing, as he was sure his noble and learned Friend would wish him to do, safely and surely. He had announced his intention of immediately proceeding with the Registration Bill, amended, he hoped, but certainly laboriously considered by him. He stated also that the Charitable Trusts Bill, which was not exactly the same as the Bill introduced a Session or two ago, was in such a state of progress that he hoped in a short time to lay it on the table of the House; and he showed that, having the means, he intended practically and at once to proceed with the digest of the statute law. Surely, then, he could not be said to be merely "marking time." With regard to the observations of his noble and learned Friend on the question now before the Common Law Commission, as to the advisability of giving the option of trial by jury or not, if he had been represented as pledging himself against that proposition, he had either not expressed what he meant, or had been misunderstood. He merely said it required the gravest consideration, because, admitting that many questions, such as those relating to common debts, might be ordinarily, safely, and perhaps better tried and decided by a Judge, without the intervention of a jury—assuming that, he yet felt very strongly the advantage arising to the numerous body who performed the duties of jurymen at assizes, and who invariably left the Court more intelligent than when they entered it. He therefore thought they ought not to make any change without looking at the question in every point of view. So far from having come to any determination not to adopt the same view as his noble and learned Friend, he might be brought to think that the advantage of a cheaper trial might be greater than the disadvantage of mixing up duties in the administration of justice. There was no man in the country who felt more sensibly than he did the great debt which the country owed to his noble and learned Friend for all he had done, by his surpassing zeal and eminent ability, in the way of law reform; and most assuredly he should always receive with the most respectful and ready attention any suggestion or opinion emanating from his noble and learned Friend.

Bill read 1^{a}.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 17, 1853.

MINUTES.] NEW WRIT.—For Worcestershire (Western Division), *v.* the Hon. Henry Beauchamp Lygon, now Earl Beauchamp.

PUBLIC BILL.—1° Clergy Reserves (Canada).

BRIDGNORTH ELECTION—MR. F. DUNDAS.

The SERJEANT-AT-ARMS informed the House that he had taken Frederick Dundas, Esq. into his custody.

SIR HENRY WILLOUGHBY said, he begged to state that the hon. Member had been detained by illness at Paris; but as soon as he heard that he was wanted to serve on the Bridgnorth Election Committee, he lost no time in hastening here.

MR. ROBERT PALMER said, he thought he was justified, by the circumstances of the case, in moving that the hon. Member should be discharged out of custody without paying the fees. As illness had been the cause of the hon. Gentleman's absence, he did not anticipate that any objection would be made to this Motion.

SIR ROBERT H. INGLIS said, it would be an unusual and an unprecedented course to oppose such a Motion. But, at all events, he would call the attention of the House to the fact that all Members were bound, whether in Paris, in Orkney, or in London, to take notice of their obligations to that House. Illness was a ground of absence which no Member would hesitate to entertain; but it was fitting that every Member should know that his first duty in that House was the public service, and that any neglect of that duty, on the part of any individual Member, necessarily exposed his fellow Members to very considerable inconvenience.

MR. BOUVERIE said, that if the hon. Member for Orkney was ill, of course it was impossible that he should be able to attend; but he must say he thought it was the duty of that hon. Member, knowing that he was on the panel of service, and that he was unable to attend, to send notice of his illness, and that he was in consequence unable to be present. The inconvenience thus imposed on Members was very great; and not only so, but very great expense and inconvenience were entailed upon the parties. Of course, if the hon. Member's illness was such that he was unable to attend, and he was detained at Paris in consequence, not only could the Committee not be sworn, but they might be discharged; all the proceedings might have to be taken over again, and the witnesses kept in town from Bridgnorth at a considerable expense. He quite agreed to this Motion; but in similar cases, in future, he should take care to be one to oppose the discharge of Members without paying the fees.

Ordered—"That Frederick Dundas, esquire, be discharged out of the custody of the Serjeant at Arms attending this House, without payment of his fees."

LIGHTING AND VENTILATION OF THE HOUSE.

SIR DE LACY EVANS said, he begged to inquire of the right hon. Baronet the First Commissioner of Works whether any steps were taking to amend the present defective method of lighting the House of Commons, and to remove the present unseemly lights from the ceiling?

SIR WILLIAM MOLESWORTH said, he must admit that the system of lighting the House was not effective, and that the lights from the ceiling were somewhat unseemly. He had consulted the Members of the Lighting Committee, and likewise Mr. Gurney, whose system of lighting the late House gave great satisfaction. The present mode of lighting might be improved without much difficulty or expense, and therefore he should take means to accomplish that object by the Easter recess.

LORD DUDLEY STUART wished to inquire under whose control the ventilation of the House was now placed, and whether the right hon. Baronet would not think it advisable to put the ventilation and lighting under one control?

Sir WILLIAM MOLESWORTH, in reply, said, that the ventilation and the lighting were under one control; that control was Mr. Meeson's, and he acted under the authooity of the Commissioners of Works.

Mr. DEEDES would beg to call the attention of the right hon. Baronet to the ventilation of the library. With respect to the first room of the library, that day it was so bad that it was utterly impossible to remain in it.

Subject dropped.

MINISTERS' MONEY.

Mr. FAGAN said, he wished to inquire whether it was the intention of the right hon. Gentleman the Chief Secretary for Ireland to bring in a Bill for the abolition of Ministers' Money before the Easter recess, and, if so, whether he would do so before the Irish assizes commenced, in order that Members representing Ireland should have the opportunity of being in attendance? He could assuro the right hon. Baronet that considerable anxiety prevailed in Ireland on the subject, and especially in Cork and Dublin.

Sir JOHN YOUNG, in reply, said, that he was perfectly aware of the anxiety existing on the question to which the hon. Gentleman had alluded. The question had been under the consideration of the Government, and there was a measure in a state of forwardness which the Government hoped to present, if not before Easter, immediately after. It required a great deal of consideration to frame a measure which the House would be likely to pass; and he hoped the hon. Gentleman would be satisfied with the assurance that a measure would be introduced in the early part of the Session, and as soon as possible.

THE ZOLLVEREIN—DUTY ON IRON.

Mr. BOOKER stated, that a day or two ago he read with great satisfaction an announcement made in one of the leading journals, that in consequence of representations from the Baltic ports of the injury sustained by the shipping interests from the high duty on iron plates (equal to 9*l.* per ton) used in the construction of vessels, the following notice had been issued by the Prussian Government, allowing their free importation for twelve months, at the end of which some new and general adjustment of the duties on iron seemed to be indicated as probable:—

> "In consideration of the numerous and continued complaints that the building of iron vessels in the Baltic ports has been rendered exceedingly difficult, owing to the duty levied on plates imported from abroad, and, further, in the expectation that, somewhat later, it will be possible to obviate permanently, by other means, the hindrances which duties on iron place in the way of inland shipbuilding, the arrangement has been made that iron plates for the building of iron vessels be admitted during the whole of this present year into the Baltic ports duty free, under the necessary control of the Customs. The provincial directors of Customs in Stettin, Dantsic, and Konigsberg, have already received the instructions from the Government to this effect, and the elders of the corporation of Stettin are herewith informed, without delay, of the arrangement."

This decree was signed by the Minister of Commerce. He (Mr. Booker) begged to ask the right hon. Gentleman the President of the Board of Trade whether Her Majesty's Government had received any official communication from any or either of the States comprised in the German Confederation or League—the Zollverein—to the effect that it was determined on the part of such States, or either of them, to relax for a temporary purpose and specified object, or permanently to repeal, any of the duties on the import into such States of any article of British manufacture or produce; and, if so, would Her Majesty's Government lay such communication before the House?

Mr. CARDWELL replied, that he had made inquiry on the subject, and found that no official communication to the effect stated had been received.

HOP DUTY.

Mr. FREWEN, after presenting a petition from hop-planters in the county of Sussex and Weald of Kent, and others interested in the cultivation of hops, praying for a total repeal of the Excise duty on hops, said he should move, in pursuance of the notice he had given, the following Resolution:—"That the Excise duty on hops is impolitic and unjust, and ought to be repealed." He wished briefly to explain the circumstances which had induced him to submit his Motion to the House at this period of the Session. It would be in the recollection of some hon. Members that early last Session he gave notice of a Motion on this subject; but before he had returned from Ireland a large deputation interested in the question waited upon the Earl of Derby and the right hon. Gentleman the Member for Buckinghamshire, the late Chancellor of the Exchequer, to urge this subject upon their consideration; and they communicated to him that the answer they had received from the Government was, that the question should be taken into consideration early next Session, which answer they considered to be so exceedingly satisfactory that they requested him not to press his Motion to a division on that occasion. He had, about ten days ago, gone with a large number of his constituents of different shades of politics to the noble Earl now at the head of the Government, and the present Chancellor of the Exchequer, upon the same subject; but they received no assurance that the matter would be taken into consideration, and they called upon him therefore, as their representative, to take the earliest opportunity to bring this subject before the House, and it was in compliance with their request that he now brought forward this Motion. One most important fact to which he would call the attention of the House was this, that the amount of revenue received from the Excise duty on hops was exceedingly small. The amount of duty received for the year 1849, and paid in 1850, was 145,693*l.*; for the year 1850, and paid in 1851, 424,702*l.*; and for the year 1851, and paid in 1852, 236,623*l.* ; making a total of 807,018*l.*; being an average of something less than 270,000*l.* a year. But, although the amount received from this source was but small, it pressed with great severity on one or two counties, and the Chancellor of the Exchequer could never tell what amount he might receive in any one year, for so uncertain was the amount of duty in different years, that sometimes it might happen that the Government received only 40,000*l.*, and at other times as much as 400,000*l.* It was, however, a most oppressive and unjust tax, operating to the extent of a charge of not less than 10*l.* or 12*l.* an acre upon every acre planted with hops. A very large amount of capital was necessarily expended in this mode of cultivation, and it also required a great expenditure in manual labour. It had been proved before Sir Charles Wood that this amount varied from 12*l.* 10*s.* to 15*l.* the acre (when they grew 14 cwt. to the acre the expense of labour was exactly 14*l.*), and the amount therefore spent in labour on 10,000 acres of hops, the usual quantity planted in the county which he represented, would be from 125,000*l.* to 150,000*l.* a year. This was, he contended, a very strong reason why they ought not to be taxed. The Excise duty was originally imposed in the year 1711, to assist the Government of this country in carrying on the war against the French monarchy during that time. The duty was doubled in 1802 to assist in carrying on the late great war. There was another important fact connected with this subject—namely, the amount of manual labour employed in the cultivation of hops. It was, indeed, excessive, and by the peculiar operation of the duty in its relation to the price of hops, had a tendency most seriously to increase the poor-rates in the hop districts. The year 1846 was a very productive season, and the price of hops was consequently very low; and with an enormous duty of 444,000*l.* that year, hops became quite an unremunerating article; the amount of the duty was equal to 20 per cent upon the value. In the year 1847 the price was exceedingly low, and the duty amounted to 395,000*l.*, making the trade again wholly unremunerative. The year 1848 was another productive season, so that the price was again exceedingly low. What he wished to do was to impress upon hon. Members who were not acquainted with hop cultivation, the important fact that a large crop, by the operation of this law, was a curse, instead of a blessing, to the hop-planter, because, while it had the effect of diminishing the price, the fixed duty of 2*d.* a pound became so excessive that it produced the greatest distress. In 1849, the duty of 1848 being so exceedingly heavy on the planters, that the Chancellor of the Exchequer, in compliance with their urgent solicitation, had consented to postpone the payment of the duty, and since that time various applications had been made to the same effect. He would now show how great distress was caused to many individuals in consequence of their inability to pay this excessive tax. Distress warrants were taken out against those who were unable to comply with the demands of the Excise, and they were committed to prison. He knew of one case, that of a poor widow, near Rye, of a most respectable family, who had been thrown into prison for three months for a debt of 41*l.*, in consequence of the low price of hops, and without having committed any offence. He was acquainted with another instance of a man who had undergone imprisonment for nonpayment of 10*l.* This state of things necessarily caused a great deal of distress in hopgrowing districts, and as matters stood, if they were obliged to give up the hop cultivation they would be swamped by poor-rates. It was surely, therefore, the duty of the Government and of the House to take the matter into their serious consideration, with a view to ascertain whether justice did not demand that the hop-planter should be released from this tax. There was another source of grievance which he would just refer to, and that was the unequal manner in which the tax operated in different districts, owing to the difference in the price of the production. The average total of the collection of duty for the years 1847, 1848, 1849, and 1850, in the three districts of Canterbury, Rochester, and Sussex, was as follows:—Canterbury, 19 per cent on the price; Rochester, 24½ per cent; and Sussex, 31 per cent; thus showing the great severity with which this tax pressed upon his constituents. Another important point was, that the amount of the tax actually exceeded the amount of the rent in many instances, although the number of acres planted with hops might not exceed five or six out of a farm of 100 acres. He could mention the case of a farmer who rented 503 acres, for which he paid 280*l.* rent in 1847, and reduced to 230*l.* in 1850; average 249*l.* Of those 503 acres he cultivated only twenty-six acres for the growth of hops, and yet the amount of duty he paid for those twenty-six acres was not less than 256*l.*, being more than the rent of the whole farm, so that the duty on twenty-six acres exceeded the rent of 503 acres. He also mentioned another case where the hop duty for the last five years had been 72 per cent on the rent. He had been told that a large majority of his (Mr. Frewen's) constituents were not in favour of a reduction or the repeal of the hop duty. All he could say was, that he was prepared to show, that within the last fortnight four-fifths of the planters of Sussex had signed a petition for a total repeal of the tax. He was aware that there were persons who had got up a meeting at Maidstone for the purpose of opposing any movement for the repeal of the hop duty; and he knew perfectly well that certain persons who obtained a very high price for their hops were in favour of this duty. They were precisely in the same position as those great maltsters who were not in favour of a reduction of the malt tax; or of the great teadealers, who were not in favour of repealing the duty on tea. By maintaining the duty these persons were enabled to command a monopoly; but it was a sufficient argument to show the impolicy of the tax that it did give to certain persons a monopoly, and proved that it was one of those taxes which ought to be repealed. One of the gentlemen who attended the Maidstone meeting to oppose the repeal of the hop duty was the Rev. Mr. Marriott, the rector of Horsmonden. He held a paper in his hand, signed by all the hopgrowers in the parish of Horsmonden, in the Weald of Kent, except two, in favour of the total repeal of the duty on hops. These persons occupied 393 acres upon which hops were grown, there being only 450 acres in that parish. He had heard that a large deputation from Mid-Kent went up that very day to the Chancellor of the Exchequer to beg the tax might not be reduced; but the Sussex and Weald of Kent hopgrowers might easily have collected large deputations, had they been so advised, instead of which they had purposely pressed their claims with small ones. No one could deny the injustice of placing such a heavy tax on the shoulders of a small and suffering class. He did not ask the House for an immediate repeal of this tax, but merely to pass a Resolution that it was impolitic and unjust, and that it was the first which ought to be repealed whenever they could do so. The state of things in his part of Sussex could not continue much longer. Thousands of acres had been thrown up and could not be let. He knew of one nobleman who had nine farms on his hands; and, as one more instance of the effect of the tax, he might mention that a gentleman near Hastings, who owned 700 acres of land, had been obliged, from low prices and excessive taxation, to take it all on his hands, and he had actually offered his house to a person on condition that he would pay the rates and taxes. Was such a state of things to last? He hoped the House would give some relief to those who were so much oppressed, and that they would affirm the principle of the Resolution he submitted to them.

MR. FULLER seconded the Motion.

Motion made, and Question proposed, "That the Excise Duty on Hops is impolitic and unjust, and ought to be repealed."

The CHANCELLOR OF THE EXCHEQUER said, he would venture to express a hope that the House would not be disposed, at the present time, to enter upon a full discussion of the important subject of the hop duties; but he trusted that the hon. Member who had stated the case, and the hon. Member who had followed him, would not think that it indicated any disrespect towards them on his part, or any want of a sense of the importance of the question, if he declined to pursue it into all the details into which undoubtedly it ought to be carried, with a view to its full and thorough comprehension. One admission he would freely make to the hon. Gentlemen, and it was the only one which the occasion called for from him, because he should ask the House to reject the Motion on grounds more connected with the time and manner of its being brought forward, than from any objection to it on its abstract merits. The admission he would make was this—that the case of the county of Sussex, which the hon. Members represented, was undoubtedly a hard one in comparison with some other districts, as the operation of the duty, levied, as it was, upon the weight and produce of the crops, imposed an undue and disproportionate amount on the growers of that district, compared with the growers of other more favoured districts, where the article was of a higher quality and commanded higher prices in the market, while it was produced in less quantity in respect to the breadth of land under cultivation. Having made that admission generally, and whilst freely allowing that mainly on that ground the question of the hop duty was one which might fairly occupy the time of that House when the fitting opportunity occurred, he regretted to say that he could not go any farther with the hon. Gentleman (Mr. Frewen). For, in the first place, it appeared to him that the inequality which the hon. Gentleman had shown to exist between the district which he represented and other districts, ought to have led him rather to suggest some mode of varying the nature and arrangement of the tax, in order to establish greater fairness in the principle on which it was paid, than to have led him at once to the conclusion that such a branch of revenue ought to be entirely abolished. The hon. Gentleman said that on account of the amount of its fluctuations the tax was of no value at all to the Exchequer; and this he founded on the average proceeds of the three years which he had given, and which certainly had not been unfortunately or unskilfully selected, as they represented a lower average than he would have been able to find in any other three years for a considerable time back. But, on the part of the Exchequer, with which he might be supposed to sympathise, he could assure the hon. Gentleman that considerable value was attached to the sum of 300,000*l.* and upwards, which was about the average amount yearly realised by the duty on hops. But the House would commit a very grave error, and an error of which the consequences would not terminate with the hop duty, if it consented at the present moment to give any definitive decision upon this or any other proposed reduction of taxation. As he understood the duty of the House of Commons with reference to taxation, it was almost impossible for it to pronounce upon the merits of any tax in the abstract. He hardly comprehended what the hon. Gentleman meant by this Resolution. He condemned the tax, and yet they did not know exactly what the hon. Member meant by the Motion he had introduced. If he meant to repeal the tax, then he (the Chancellor of the Exchequer) would meet him with the conclusive objection that that House ought never to repeal a tax until it had considered what was the expenditure of the year for which it was necessary to provide. If, on the other hand, the hon. Gentleman said he did not propose to repeal the tax, but only to condemn it, then that was a practice still more dangerous to the honour and character of the House, and to the interests of the country. He was quite certain of the purity of the hon. Gentleman's motives, but he could conceive of nothing which could lead to more trickery, intrigue, or to more of demagoguism in the very worst sense, than that that House should indulge itself in ventilating abstract opinions on the subject of particular taxes, and in pronouncing condemnation of them, without being prepared to give the country the benefit of those condemnations by the repeal of those taxes which it had so condemned. Whenever the House undertook to say that a particular tax was "impolitic and unjust, and ought to be repealed," it ought not to stop at a Motion of this kind, but should be followed up by leave being asked to introduce a Bill to repeal the duty, or by some other Motion being made that was more consonant with its rules and practice. On either of those grounds, whichever construction the hon. Gentleman chose to put upon his Resolution, he (the Chancellor of the Exchequer) was confident that the House would refuse him its assent. To-morrow they would proceed to the consideration of the Navy Estimates, and in the course of two or three weeks he presumed that the House would dispose of them, and then proceed to the estimates for the other great services of the country. They would then see, when they came to the Miscellaneous Estimates, what was the amount of charges on the Exchequer for which it was the duty of the House to provide. If, after they had reckoned up the amount of those charges, and the House had given its judgment upon them, they found that the revenue of the year was likely to yield a surplus over the expenditure, then surely would be the time for the hon. Gentleman to urge his claim for the repeal of the hop duty in competition with any other which it was proposed to remit. Even then he would be met by rivals on all sides, and have considerable obstacles to encounter; for he would not only be met possibly by the Chancellor of the Exchequer, but certainly by those whom, perhaps, the hon. Gentleman thought to be his natural allies, namely, the representatives of the greater part of the hop districts. He would find himself assailed by the hon. Members for Kent from the east, and he would have the Members for Worcestershire and Hereford leading up an army against him from the west to oppose and overcome him. He would not ask the House to prejudge this question, but to give it a fair consideration according to its merits, when the proper time for considering it arrived, and when the reasons for repealing it might be weighed in conjunction and comparison with the reasons for repealing other taxes. But he entreated the House, at this period of the year, not to take any step so unsound in principle as to part with any portion of the permanent revenue and resources of the country, before it had measured the extent of the public wants to which that revenue was necessary to be applied. Upon these grounds, stated very shortly, he earnestly hoped—and not only hoped, but entertained not a single doubt—that the House would decline to accede to the Motion of the hon. Gentleman. It was but that day he heard that in about a fortnight a similar Motion would be made with regard to the wine duties. Since he had been in the House an hon. Friend had given a notice relative to the total repeal of the advertisement duty; and there were not only these questions, involving 2,000,000*l.* or 3,000,000*l.* of the public revenue, but there were multitudes of interests, of which the one would start up after the other. He was therefore sorry that the hon. Gentleman should have been found to set so very indifferent an example in making a call upon the House so indefensible in point of public policy. Perhaps he ought not to presume to express such an opinion, but certainly he did not think that the hon. Gentleman, however good his intentions, had really advanced the interests of those whom he represented, or given them a better chance in the competition they had to meet from other quarters. On the contrary, he rather feared that a Motion of this kind, proposed at a time when, he ventured to say, it was impossible for the House to entertain it favourably, might produce an adverse result to the interest which the hon. Gentleman injudiciously advocated, and might cast it into the shade and background as compared with others. Be that, however, as it might, it was his duty to call upon the House to negative the Motion of the hon. Gentleman.

Mr. E. BALL said, he thought the very facts admitted by the Chancellor of the Exchequer were good reasons for the Motion. The right hon. Gentleman had admitted that it was more difficult for the farmers of Sussex to pay the tax than for growers in other places, and therefore he ought to remedy the injustice. He differed from the right hon. Gentleman when he said the House should wait till they saw the character of the Budget before they objected to a tax; because, if the House and the country objected to any tax, the Chancellor of the Exchequer would soon find means of making a Budget without it. They had adopted free trade, and it was surely now their duty to give the British grower such a measure of fair play as would enable him to meet the competition to which he had been exposed. As a Sussex man, he felt the peculiar grievance of this tax; but he would not be satisfied by its repeal, nor rest content till all taxes which pressed on the farmer were abolished.

Mr. DEEDES said, this was not the first time he had felt himself bound to oppose the steps which the hon. Member for East Sussex (Mr. Frewen) had taken upon this question, and, as he (Mr. Deedes) had successfully resisted his attempts before, so he was inclined to think he should again successfully resist them to-night. Adopting an expression borrowed from a noble and manly sport common to this country, this was an attempt on the part of his hon. Friend to play off "Sussex against all England," and he believed that, as on previous occasions, the match would be an unequal one. The course which the hon. Member was taking in seeking to repeal the whole of this duty, was a most suicidal one for his constituents, if they intended to continue the cultivation of hops. The effect must certainly be to promote the introduction of foreign hops to a very considerable extent at much lower prices than they could be produced at in this country; and as the hopgrowers in Sussex were admitted to produce an article which was at present worth the least money in the market, their lands must necessarily be the first to fall out of cultivation. In consequence of the Excise duty levied, the revenue officers now placed a particular mark upon the produce of the various districts, and another result of the total repeal of the duty would therefore be that the purchaser would not have that security which he now enjoyed that the article bought by him was really worth the money. From a conviction of the injustice which the measure contemplated by his hon. Friend would inflict upon hopgrowers in other parts of the kingdom, he would join with the right hon. Gentleman the Chancellor of the Exchequer in opposing the Motion.

Colonel HARCOURT said, he believed that the repeal of the duty would be most injurious to the growers of hops, and, therefore, should oppose it. The plan of his hon. Friend (Mr. Frewen) might serve one county, but it would injure all the other hopgrowing counties in England. Besides, although he had not any great confidence in the present Government, seeing the discordant materials of which it was composed, he could not, until they had produced their Budget, ask them to disturb the fiscal arrangements of the country.

Mr. BRIGHT said, if those persons upon whom the hop duties fell agreed in thinking that nothing could be so injurious to them as the repeal of those duties, it was tolerably clear that the tax must be a very unjust one as regarded the public generally. He protested against the theory of the right hon. Chancellor of the Exchequer on the subject of this Motion. He understood him to say that the hon. Member for East Sussex (Mr. Frewen) had set but an indifferent example to the House in bringing forward a Resolution for the consideration of a tax which his constituents believed pressed very unjustly upon them. Now, the right hon. Gentleman said in this just what all his predecessors had said. They told hon. Members they should not bring a tax before the House until the Government had had an opportunity of considering all these questions, and of submitting their determination to the House; but if hon. Members waited until the Government proposition had been submitted, then the response was, you are very unreasonable in offering to disturb that which the Government had fully considered, and upon which they had come to a final conclusion. Now, it seemed to him that the Chancellor of the Exchequer for the time being possessed a great advantage in framing his Budget, if he could ascertain pretty conclusively what was the opinion of the House with regard to any particular tax. Suppose the late Chancellor of the Exchequer had had opportunities of knowing beforehand that the doubling of the house tax and the repeal of half the malt tax would be distasteful to the House, why. in all probability, he would not have brought forward those propositions, and have made shipwreck of the Government with which he was connected. In like manner the present Chancellor of the Exchequer might be preparing extraordinary propositions of his own, which he might think looked very well upon paper, but of which the House would disapprove, and which he might not be able to carry. Well, what was the friendly proposition now made by the hon. Member for East Sussex? It simply called upon the House to affirm that the Excise tax upon hops was impolitic and unjust, and ought to be repealed. The Motion was very much like that which his hon. Colleague (Mr. M. Gibson) had submitted to the House last year with regard to the paper duties; and if it were carried, the Chancellor of the Exchequer, in going over the list of taxes to be remitted out of his surplus of 2,000,000*l.* or 2,500,000*l.*, would only consider whether the hop duties might not be repealed with great advantage to the growers, great advantage to the agriculturist, and with some advantage, probably, to the country at large. The Chancellor of the Exchequer had stated that the sum of 300,000*l.*, which would be sacrificed by the remission of this tax, was not a sum to be disregarded as a loss to the revenue. Well, if he (Mr. Bright) found great economy being exercised in all departments of the State—if he saw a diligent revision of the expenditure going on; if he perceived that the example of the late Government was followed in the revision of certain great items in the department of the expenditure, then there might be some grounds for asking the House not to hastily condemn a tax which brought this amount into the national Exchequer. This, however, was not the case; for, on the other hand, he did not find that an expenditure of 900,000*l.* in one particular department of the State was considered of any very great importance. The tax must be a disgraceful one which set one county against another, as this did. If the representatives of Kent were returned for Sussex, and *vice versâ*, we should find them, he suspected, unsaying the speeches they had made in the House, and making just the contrary declarations. What could be more humiliating than that? The tax upon hops was a most unequal tax, and the most uncertain in its amount, while it involved the Chancellor of the Exchequer in a mode of collection which was certainly not an expensive one, but which was as rude and barbarous in its operation as you could expect to find in Turkey or the most uncivilised portion of the world. In his opinion, the hon. Member for East Sussex was justified in bringing the tax under the notice of the House; and, if it possessed the ugly features to which he had alluded, the attention of the Chancellor of the Exchequer might be fairly called to it when he went into an examination of the fiscal arrangements of the country. Free-trade and competition were now conceded principles on both sides of the House, and for these reasons he should give his vote in favour of the Motion.

Mr. HUME said, he hoped the hon. Member for East Sussex (Mr. Frewen) would pay no heed to the rebuke which the right hon. Chancellor of the Exchequer had administered to him; for neither the hon. Member nor anybody else would ever do any good if they followed the advice of a Chancellor of the Exchequer. He (Mr. Hume) candidly confessed that he had expected very different things from the right hon. Gentleman—a disciple of the late Sir Robert Peel—than the enunciation of such a principle as he had laid down that night. The hop duty was a bad tax in every one of its aspects; and when one county was found fighting one way, and another another way with respect to it, the right hon. Gentleman ought to perceive that there was a combination against the consumer. He thought it would be a great point gained to have the tax condemned by a Resolution of the House, because it ensured its repeal or revision, as the case might be, as early as the finances of the country would allow of it.

Mr. ALCOCK said, he should support the Motion; but he thought there was one point in regard to hops which might be well followed in reference to all other articles of agricultural produce—that was, that there was an annual statistical return of the quantity produced.

Mr. FREWEN, in reply, said, that if the House decided in favour of the Motion, he had no doubt the Chancellor of the Exchequer would find the Ways and Means to meet the deficiency it would occasion in the revenue, as had been done in the case of the window duty.

The House *divided*:—Ayes 91; Noes 175: Majority 84.

List of the Ayes.

Adderley, C. B.
Alcock, T.
Bailey, C.
Ball, E.
Barnes, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bell, J.
Bentinck, G. P.
Brady, J.
Bright, J.
Brisco, M.
Brown, H.
Bruce, C. L. C.
Butt, I.
Carter, S.
Cholmondeley, Lord H.
Clinton, Lord C. P.
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Cobden, R.
Compton, H. C.
Crauford, E. H. J.
Crook, J.
Disraeli, rt. hon. B.
Drummond, H.
Duffy, C. G.
Fox, W. J.
Fraser, Sir W. A.
French, F.
Freshfield, J. W.
Fuller, A. E.
Gibson, rt. hon. T. M.
Greene, J.
Greville, Col. F.
Gwyn, H.
Hadfield, G.
Halford, Sir H.
Henchey, D. O.
Hume, J.
Hutchins, E. J.
Jolliffe, Sir W. G. H.
Jones, D.
Kendall, N.
Kennedy, T.
Kershaw, J.
Knightley, R.
Knox, Col.
Laslett, W.
Lovaine, Lord
Lowther, hon. Col.
Lucas, F.
Macartney, G.
Mackinnon, W. A.
MacGregor, J.
M'Mahon, P.
Martin, J.
Miall, E.
Michell, W.
Miller, T. J.
Mullings, J. R.
Muntz, G. F.
Oakes, J. H. P.
Oliveira, B.
Parker, R. T.
Pellatt, A.
Percy, hon. J. W.
Potter, R.
Pugh, D.
Robertson, P. F.
Rolt, P.
Sandars, G.
Shee, W.
Shelley, Sir J. V.
Smith, J. B.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Sullivan, M.
Thompson, Ald.
Turner, C.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.

Walmsley, Sir J.
Walter, J.
Whitmore, H.
Wilkinson, W. A.
Williams, W.

TELLERS.

Frewen, C. H.
Bass, M. T.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Anderson, Sir J.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir T. F.
Baring, T.
Beaumont, W. B.
Bellew, Capt.
Berkeley, Adm.
Blackett, J. F. B.
Booker, T. W.
Bowyer, G.
Boyle, hon. Col.
Brand, hon. H. B. W.
Brotherton, J.
Browne, V.
Bruce, Lord E.
Bruce, H. A.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Chambers, T.
Charteris, hon. F.
Chelsea, Visct.
Christy, S.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Coffin, W.
Collier, R. P.
Cowper, hon. W. F.
Crossley, F.
Cubitt, Ald.
Deedes, W.
Denison, J. E.
Dering, Sir E. C.
Divett, E.
Drumlanrig, Visct.
Duncan, G.
Dundas, G.
Dundas, F.
Eccles, W.
Elliot, hon. J. E.
Evelyn, W. J.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R.
Filmer, Sir E.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forster, M.
Franklyn, G. W.
Freestun, Col.
Geach, C.
George, J.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hanbury, hon. C. S. B.
Hanmer, Sir J.
Harcourt, Col.
Hardinge, hon. C. S.
Hastie, A.
Headlam, T. E.
Heathcoat, J.
Heathcote, Sir G. J.
Heathcote, G. H.
Herbert, rt. hon. S.
Hervey, Lord A.
Hindley, C.
Horsfall, T. B.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Jermyn, Earl
Keating, R.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Knight, F. W.
Labouchere, rt. hon. H.
Langton, H. G.
Lawley, hon. F. C.
Layard, A. H.
Legh, G. C.
Locke, J.
Lowe, R.
Luce, T.
M'Taggart, Sir J.
Maddock, Sir T. H.
Malins, R.
Mangles, R. D.
Marshall, W.
Massey, W. N.
Masterman, J.
Matheson, Sir J.
Meagher, T.
Mills, A.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Molesworth, rt. hn. Sir W.
Moncreiff, J.
Monsell, W.
Montgomery, Sir G.
Morris, D.
Mulgrave, Earl of
Mure, Col.
Norreys, Lord
Osborne, R.
Otway, A. J.
Paget, Lord G.
Palmerston, Visct.
Patten, J. W.
Peacocke, G. M. W.
Peel, F.
Phillipps, J. H.
Phinn, T.
Pilkington, J.
Pinney, W.
Powlett, Lord W.
Price, Sir R.
Price, W. P.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sawle, B. C. G.
Scobell, Capt.
Scrope, G. P.
Seymour, Lord
Shelburne, Earl of
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stapleton, J.
Strutt, rt. hon. E.
Swift, R.
Taylor, H.
Thornely, T.
Towneley, C.
Townshend, Capt.
Tufnell, rt. hon. H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Wall, C. B.
Wells, W.
Whalley, G. H.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilson, J.
Wise, J. A.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. L. G.

RELIGIOUS PERSECUTION (TUSCANY).

MR. KINNAIRD said, he would be the last person unnecessarily to take up the time of the House on any subject, but that he did so on the present occasion because a cruel and atrocious sentence had been passed on two individuals, Francesco and Rosa Madiai, humble in position, it was true, but of unimpeachable character, on account of their religion. When tidings of the sentence which they were now undergoing reached this country, feelings of sorrow and indignation prevailed; and they were not confined to this country, but shared in by the Protestants on the Continent. Across the Atlantic, too, the American people had expressed, in unmistakeable language, their sympathy in the cause of the Madiais; and the President of the United States and the Minister for Foreign Affairs had, he was informed, addressed despatches to the Grand Duke of Tuscany, asking for their release, offering to send a vessel to conduct them to the United States, and assuring them of support there. He wished the Government of this country had taken the same noble course. He desired to show that this was not an isolated case, but he thought he should be able to prove that it was part of a system of ecclesiastical reaction, and a symptom of a determination on the part of the hierarchy of the Church of Rome to put down Protestantism, whenever the civil power would enable them to do so. It was on this ground, then, that he called upon the Government of this country to invite the other Protestant Powers of Europe, as the Kings of Prussia and Holland, with the United States of America, to join in a remonstrance to the Grand Duke of Tuscany, not in a dictatorial tone, not in a tone of menace, but in the name of religion and humanity, against this act of tyranny and injustice. Until a recent period, Tuscany had stood out in happy contrast with the other Italian States. He attributed this to its having had a succession of wise rulers, who had followed in the steps of Peter Leopold, who, when law reform was not so popular as it is now, had, towards the close of the last century, effected great reforms in the laws of that country, by which a larger amount of civil and religious liberty was secured to it than existed in any of the neighbouring States. The Inquisition was never established in Tuscany, nor was the canon law ever supreme there. Yet these persons had, he believed, been illegally convicted under those very laws which had been passed for the purpose of securing to Tuscan subjects that liberty which was now invaded. In 1848 a constitution was granted to Tuscany, by the first article of which all existing forms of worship were not only tolerated, but permitted. Under the protection of this constitution, numbers of Florentines had enjoyed the advantage of attending Protestant worship in the churches connected with the Prussian and English embassies, where a service was conducted in the Italian language. In January, 1851, the Tuscan Government interfered for the first time to prevent its subjects from attending Protestant worship. Police agents were placed at the doors of the chapel, and all who entered were given to understand they would be marked men, subject to the surveillance of the police; and shortly afterwards 400 mandates were issued to as many individuals, warning them that if they continued to worship according to the forms of the Protestant religion, they would subject themselves to imprisonment for a period varying from eight to sixty days. On the 17th of February, Count Guicciardini, a well-known name in Tuscany, a friend of his, a man of high character, who had never taken part in politics, was summoned by the police authorities to answer for his conduct, and on the 18th he received a decree forbidding him to enter a Protestant church for one year, under pain of imprisonment. On the 2nd of March he was again sent for by the police; and as if to show the injustice of the prohibition, it was proposed to him that if he would give up the right of attending the service of the Protestant church, he should have permission to receive four or five persons in his own house for reading the Scriptures and prayer. Count Guicciardini, however, did what might have been expected of him, and what he (Mr. Kinnaird), or, he believed, any other man of honour and principle would have done—he stood upon his right as a citizen—the right which had been secured to him by the constitution—and declined to accept a privilege denied to his poorer brethren; but he preferred a voluntary exile, and resolved to leave a country where he could no longer worship God according to the dictates of his own conscience. On the 25th of April, a law was passed giving power to the police to banish persons for a year to the islands for religious or political offences. On the 10th, Count Guicciardini was to leave the country, and his papers were ready; but on the 7th, when calling at the house of a friend (Signor Betti) to take leave, and finding there several friends or acquaintances, before parting they read a chapter in the Bible together for the last time; at half-past eleven o'clock at night fifteen armed policemen entered the house, and took all who were present prisoners, and lodged them in the common gaol. They were all afterwards sentenced to banishment for six months to the Maremme, and it was only by favour that Count Guicciardini was allowed to banish himself from Tuscany. From that time the Count has lived in this country, and only a few days ago he received intelligence of the death of his mother, to whom he was devotedly attached, but on whom he was denied the privilege of attending at her last hour. Between May and the 26th of August arrests continued to be made of persons who ventured to attend Protestant meetings. On the 26th of August, as appeared by the papers on the table of the House, Mr. Walker and two Florentine gentlemen, who had gone to Madiai's house to see him, he being from home at the time, were arrested and carried to prison; and on the same day, Madiai, on returning home, was also arrested and imprisoned. On the following day Rosa Madiai, his wife, and a female servant, were likewise arrested. In September, a young man, a clerk in the post-office, was arrested for possessing a Bible. It seemed that the evidence against him was obtained from his wife, who, relying on the supposed inviolability of the confessional, acknowledged that her husband had a Bible, and was in the habit of reading it. For this offence the young man was thrown into prison, though the Bible had never been found, and he (Mr. Kinnaird) was credibly informed that he was still there. His object, in referring to these cases, was to show that the persecution of the Madiais was part of a sytem, as he had said. To return to the Madiais, however, on the 25th of November a decree was issued, charging Francisco and Rosa Madiai with impiety, under the 60th article of the Leopoldine laws of 1786, which was in these terms:—

> "Whosoever, with an impious intent, shall dare to profane the divine mysteries, by disturbing the sacred functions with violence, or shall otherwise commit any public impiety, and who shall teach publicly maxims contrary to our holy Catholic religion, towards which we have always nourished, and will perpetually nourish, our constant love and zeal, we will that he, as a distuber of the order by which society itself is ruled and maintained in tranquillity, and an enemy of society itself, shall be punished with the greatest and most exemplary rigour, never with less punishment than public labour, for a time or for life, according to the circumstances of the case."

It must be evident to every one who reads this article that the offence here contemplated was of a public nature, and was not applicable to the case of the Madiais, who were accused of reading the Bible in their private house, which point had been most conclusively argued in the last number of the *Law Review*, by Mr. Davenport Hill, the Recorder of Birmingham, to whose able paper on the subject he would draw their attention. The plain meaning, however, of the law was perverted by the advocate of the Tuscan Government and the presiding Judge. The Tuscan Attorney General said—

> "Moreover, upon the question of publicity, the existence of Protestantism as a sect was public and notorious; public and notorious also that it is hostile to Catholicism; public and notorious that the Madiai appertained to it; public and notorious the active part they took in spreading it and disseminating heterodox books, &c. Thus, publicity, in the sense and requirement of the law, was not wanting."

And the judge, in his sentence, determined that publicity exists where actions, though not committed in a public place, have taken place in the presence of several persons, have become extensively divulged, and have occasioned grave scandal. It was unnecessary for him to state the terrible sentence which had been passed on the Madiais, June 8th, 1852. It had obtained a world-wide notoriety, and was

to be found in the papers before the House. The evidence given in favour of Rosa Madiai was remarkable. The Roman Catholics spoke of her as not only tolerant of their religion, but as impressing upon them the duty of keeping up its observances, as long as they continued within it. Her whole life seemed to be a series of acts of charity—here, interceding with the Protestant masters or mistresses of some of the Roman Catholic witnesses at her trial, that they might have liberty of fasting or attending mass; there, enforcing the necessity of preparation for communion. Even a nun sent a written testimony in her favour. A poor blind man, a Roman Catholic, even proved that, after she had renounced Roman Catholicism, she used to lead him to mass, and afterwards returned to lead him home. Signor Bicchierai, the Public Minister, himself, in his speech, said—

> "The acts of goodness, natural probity, and benevolence that Madame Madiai wished to urge in arrest of judgment, may cause one to grieve more over her separation from Catholicism, but cannot free her from the present crime and accusation."

It had been alleged that Rosa Madiai occupied herself in attempting to make proselytes, but that had never been proved. When the sentence of imprisonment and hard labour was pronounced by the President of the Judicial Council against these unfortunate persons—and it was only by his casting vote that the sentence was passed, two of the other judges being for and two against it—his emotion betrayed itself in the trembling of his voice, and the auditory expressed their disapprobation by cries of *Gli assassini, gli assassini!* "The assassins, the assassins!" He had before said that the case of the Madiais was not isolated, but was part of a systematic persecution of Protestants. He had shown various links in the chain. First, the prohibition of public worship; then the forbidding of private meeting for reading the Bible under pain of imprisonment; then banishment—then imprisonment— and but one link in the chain was wanting. The Madiais were sentenced to imprisonment with hard labour, but the Tuscan Government had gone a step further; and on the 16th of November last a decree was issued which affixed the punishment of death to cases similar to that of the Madiais. He would read the terrible decree, a French translation of which he held in his hand:—

> "Nous nous sommes determiné à ordonner et ordonnons ce qui suit:—1. La peine de mort applicable de la manière prescrite par la loi du 27 Aout, 1817, est rétablie jusqu' à nouvel ordre dans tout le territòire du Grand Duché pour les attentats de violence publique contre le Gouvernement et contre la religion."

It thus appeared that the sentence of death had been revived in Tuscany, and apparently for the purpose of terrifying these poor people who had been guaranteed the exercise of their religious faith by the constitution of 1848. The persecution had not ceased here. Since the trial of the Madiais, Signor Guarducci, one of those persons imprisoned with Count Guicciardini, although living in peace and quietness at this time, had been seized and cast into prison, and his friends feared that his life would pay the forfeit of his attachment to Protestantism, and that he would be one of the first to suffer from the revival of the law for the punishment of death. Under these circumstances, he (Mr. Kinnaird) felt it his duty to appeal to the House of Commons. He could assure the House that it was not a few persons only who were affected by the state of affairs he had endeavoured to describe. There were hundreds, nay thousands, of persons who were living under a reign of terror, and he had recently received a letter, by which it appeared that a vast number of persons were already in prison for offences similar to that for which the Madiais were suffering. He now came to the question of what had been done under this state of affairs, and he was glad to take the first opportunity of expressing his gratitude to the noble Lord the Secretary of State for Foreign Affairs for his recent despatch on this subject. When he (Mr. Kinnaird) put his Motion on the books he was not aware of the existence of that despatch; it confirmed him, however, in his opinion of the importance of bringing this question forward. There was one point to which allusion did not appear to be made in the report on the table, but with regard to which he had credible information, and that was the conduct of the King of Prussia, which was deserving of the highest praise. When the King of Prussia heard of the sentence passed on the Madiai, he immediately communicated with his Minister at the Court of Tuscany, expressing the deep sympathy which he felt for their fate. Not content with that, he instructed his Minister at the Court of Great Britain to propose to Her Majesty's Government that a joint representation should be made by them to the Tuscan Government. He (Mr. Kinnaird) could not remove the conviction from his mind, that had the suggestion of the King of Prussia been acted on, or, what would have been still better, if Her Majesty, in conjunction with the Kings of Prussia and Holland, and with the United States of America, had remonstrated, not dictatorically—not in a tone of menace—not unofficially, but officially, in firm and energetic language, the Grand Duke of Tuscany would have shrunk before such an expression of Protestant feeling. That was his own opinion. At the same time he was bound to confess that there were grave objections to such a course; but, nevertheless, looking to the state of Europe, he could not but think that some measure of protection to Protestants was desirable. Some persons were of opinion that we were not justified in interfering in a matter between the Tuscan Government and one of its own subjects; but that argument was admirably answered in the despatch of the noble Lord lying on the table. He begged to remind the House that this was not the first instance in which the Protestant Powers of Europe were called upon to interfere on behalf of their persecuted co-religionists. In 1709 the Treaty of Utrecht contained a provision by which Great Britain, Prussia, and Holland agreed to protect the Waldenses in the exercise of their religion; and, if he was not mistaken, we still continued to pay annually a sum of money to the descendants of those persecuted people. Nor could it be forgotten that one whose name was dear to every Englishman for the manner in which he asserted the rights and liberties of his country, compelled Cardinal Mazarin to interfere with the Duke of Savoy to put a stop to the atrocities which were being perpetrated on Protestants in his territories. Even our own bigoted James II. sent Lord Stair as Ambassador to Louis XIV. to remonstrate against the persecution to which the Huguenots were subjected after the revocation of the edict of Nantes. But he remembered that there was one who shared in this objection. It was Louis XIV. himself, who said to Lord Stair, "What would the King, your master, do if I asked him to liberate all the convicts in his dominions?" Lord Stair replied, with equal quickness and truth, "Sire, if you claimed our malefactors as your brethren, as we do these unfortunate persons as ours, he would release them immediately." He would not detain the House further. He trusted that the noble Lord the Secretary for Foreign Affairs would not oppose his

Motion, and that the influence of the British Government would continue to be exerted, not only in favour of the Madiais, anxious though he was for their release, but that wherever our brethren on the Continent were persecuted on account of their faith, the voice of England would be raised on their behalf, and that we should not be intimidated from expressing our opinions plainly and openly, and putting the moral weight of this country forward in behalf of our persecuted brethren abroad. The hon. Gentleman concluded with moving the Resolution.

Lord DUDLEY STUART, in seconding the Motion, said, that he was much obliged to his hon. Friend for bringing it forward, and the people of this country ought to recognise a debt of gratitude to him for doing so. No occurrence on the Continent had of late attracted so much attention as the case of the Madiais; and the people of this country had expressed their sympathy with their Protestant brethren all over the world, and they had seen their feelings reflected in the acts of the British Government. As to interference with the other countries of Europe, it was well known that Oliver Cromwell had interfered on behalf of the Protestants of France; and treaties had been entered into for the protection of the Waldenses and the Vaudois; and the representatives of this country had been instructed to remonstrate when those treaties were broken. It was not till 1815, when the holy alliance made a new settlement of Europe, that the unfortunate Vaudois were handed over to the tender mercies of the King of Piedmont, who in four days after he reached his palace at Turin subjected the Vaudois to religious disabilities; nor did they again enjoy religious liberty till the constitution was established the other day in Sardinia. There was no reason why there should not be treaties for the protection of Protestants in Piedmont and Tuscany, just as there were treaties guaranteeing the exercise of religion other than that of the country in which people lived, as in Turkey, where Christians were permitted to exercise a religion which was not that of the State. There were also treaties to put down the sin of slavetrading in other countries; and why should there not be treaties with States, by which they would be debarred from interfering with their subjects in the exercise of their religion according to their conscience? He felt sentiments of regret, pain, and indignation, when he saw any one persecuted on account of his religion; and he applied the principle in its largest sense, that is, he was not against the persecution of Protestants, or against the persecution of Jews, or of Roman Catholics, or Greeks, or of any particular sect, but he was against persecution of all sorts wherever it might be. The Protestants were not the only religionists who were subject to persecution, but there had been men of the sincerest motives who had persecuted one another, and put each other to death, believing that they were all the time doing God good service. That seemed to be true which had been somewhat irreverently said by the poet—

> "Christians have burnt each other, quite persuaded
> That all the Apostles would have done as they did."

He would say that Roman Catholics had been as much persecuted as Protestants in our times. Look at the conduct of the Emperor of Russia. How had he treated Roman Catholics? A petition had been presented to the Czar from the Polish provinces, and also from his own dominions, stating the persecution which had been carried on by an ecclesiastical commission, who beat and slew the Roman Catholics. The persecution of the nuns of Minsk about ten years ago must be familiar to all. A remonstrance had even been made to the Emperor by the Pope himself, on account of the persecution of the Roman Catholics. A large amount of the revenues of the churches and convents of the Roman Catholics had been forcibly seized and given to the Greek Church, and whole provinces had been ordered by the Czar, and compelled, to abjure the Roman Catholic faith. Those were things which excited his (Lord D. Stuart's) horror, as much as any persecution of Protestants. Such things were horrible; but it would be horrible, also, if we, in this great Protestant country, should stand by and not raise our voice when persons were persecuted, as it was shown they had been in Tuscany. He rejoiced that this country—the most Protestant country in Europe—had not abstained from expressing its opinion, and that the noble Lord the Secretary for Foreign Affairs had raised his voice in an energetic manner, and in a way that was highly creditable to him. No doubt that the argument would be used that these persons were subjects of Tuscany—that it was an internal question—and that we could not interfere with an independent State. It was not, however, proposed to interfere by force of arms; but what had been done by the Government was to remonstrate forcibly, but amicably; and his hon. Friend (Mr. Kinnaird) asked that an Address should be presented to Her Majesty, praying that steps might be taken for bringing before the Grand Duke the feeling of Her subjects on this question. That was a very proper Motion. When it was said that we could not interfere with an independent State, let us inquire into the condition of Tuscany. Could it be called an independent State when it was in the occupation of a foreign army? It was governed by foreigners. The Grand Duke was the nephew of the Emperor Francis (him of the Holy Alliance), and cousin to the present Emperor; and he belonged to the Imperial family of Hapsburg, which was always so much distinguished in Europe for religious persecution. It might be said that the Grand Duke was of a disposition mild and benevolent; that Tuscany, under his rule, was prosperous; and she was pointed to by the friends of despotic government, in order to show how happy the people were there; and she was the despair of the friends of constitutional liberty, for they were obliged to acknowledge that Tuscany, under the Grand Duke, was prosperous, that the arts were encouraged, and that the life of the people was easy, tranquil, and happy. The Grand Duke was full of kindness and humanity. He abolished the punishment of death in the Grand Duchy of Lucca, when it was added to Tuscany a few years ago; and since then he had abolished it all through his dominions: and, indeed, practically, it had been abolished for twenty years, for since that time there had been no capital execution in Tuscany. But there had been some military executions since the Austrians had been in the country. It appeared that the Grand Duke, though of the Hapsburg family, was of a kind and genial disposition; but there was now another power—that of the Austrian armies—in his territories, and it was not at all clear that the case of the Madiais was the act of the Grand Duke himself. Look into history, and it would be found that the house of Hapsburg was most distinguished for religious persecution. It was under Charles V., while Emperor of Germany and King of Spain, that the Inquisition flourished most; and the enormities of Philip II. of Spain were well known; while Leopold in Bohemia, and Ferdinand in Hungary were names which at once recalled religious persecution; and we had some rather disagreeable reminiscences in the result of an alliance with the house of Hapsburg in the time of Mary in this country. In Belgium it was stated that 30,000 Protestant lives were sacrificed, and more in Spain. Bohemia had been converted to the Roman Catholic religion by being made a desert, and no less than 2,000,000 of people were sacrificed. In Hungary the princes of the House of Hapsburg had done nothing since the Reformation but persecute. When complaints were made, and the public were indignant with the Grand Duke, and complained of the Pope, it was but just that the saddle should be placed on the right horse—for they were not so much to blame as the despotism of Austria, which constantly, under the pretext of religion, persecuted unoffending Protestants. The Popes had always been much less disposed to these cruelties than other monarchs, and they had often interfered to soften the rigour of persecution. It was the boast of Roman Catholic writers that the Roman Inquisition never sentenced a single individual to death on account of religion, whereas in other countries the number of victims horrified all who perused the page of history. He believed the present persecution was not to be attributed to the Popish faith, but to the horror of liberty on the part of Austria, and their desire to put it down by every means in their power. There could be no religious liberty without civil liberty. Look at neighbouring countries, which were not less Catholic than Tuscany, such as Sardinia. In that country some persons were tried much on the same grounds as the Madiais, but with a different result, for they were released by the King, while the Grand Duke left his victims to rot in jail. The Address which had been moved for prayed that some steps should be taken to bring the feelings of the people of this country under the notice of the Grand Duke. What those steps were to be would be left to the Government, His hon. Friend (Mr. Kinnaird) had suggested an alliance with Prussia and other countries. His hon. Friend had only thrown that out, but he (Lord D. Stuart) did not know that he could agree with him in that respect. He did not feel inclined to enter into alliance with some of them, and Prussia in particular, which had not shown much liberality with regard to religion. He (Lord D. Stuart) had seen some persons who had escaped from the rigour of religious persecution in that country. If he were to suggest any steps, it would not be by any alliance with Prussia, but by pressing for the evacuation of Tuscany by the Austrian troops. Let them be withdrawn, and let the Italians be left to themselves, and it would soon be seen if there was any persecution. Tuscany would have as free a Government as Sardinia; public opinion would prevail, and, he believed, the Grand Duke would be pleased and gratified to listen to it, and put an end to these detestable persecutions. That would be the right course; but as long as those enemies of civil and religious liberty held possession of that country, every species of measures would be adopted to put down liberty; and the same Government which had rendered it unsafe for the first time for an Englishman to appear in the streets of Tuscany, would render it unsafe for unoffending individuals quietly to read their Bibles. This ought not to be a party question, or confined to Gentlemen on one side of the House or the other, or to Gentlemen of any creed in that House; for there were persons of various creeds in that House—and he wished there were more—who were united with regard to the principles of liberty and right, and they all ought to defend those principles. Some Roman Catholics did not disapprove of the conduct of the Grand Duke. An appeal to the Roman Catholics as a body had been made by the Earl of Carlisle, who called on them to state whether they approved of the persecution for conscience sake, or whether they thought it right that any Government should punish its subjects for a departure from the Roman Catholic faith. He (Lord D. Stuart) was sorry that the noble Earl had not received such a response as might have been expected from Englishmen. Those who were against such persecution were in a minority, and it had been stated by a late Member of that House (Mr. Chisholm Anstey) that the Roman Catholics who were opposed to these proceedings were a small minority. The hon. Member for Meath (Mr. Lucas) had stated publicly in a letter to Sir Culling Eardley, that it was the duty of a Roman Catholic State to put down heresy even by violence if it were necessary. He (Lord D. Stuart) was sure those were not the principles of all Roman Catholics; for there were among them some as good friends to civil and religious liberty as any Protestants. In proof of that he would refer to a declaration which had appeared in that day's papers, signed by five Polish gentlemen who were refugees; who stated that they did not agree that it was the duty of Roman Catholic States to persecute on account of heresy; and they stated that as the Earl of Carlisle had appealed to the whole body of Roman Catholics, they felt called on to say that they thought that the truth might be spoken without offence, and that opinions might be stated, so long as they were quietly stated, and no attempts at conversion made by any other means than argument. Whatever might be the opinions of individual Members, he hoped that the Roman Catholics in that House would declare that they did not share the opinions and sentiments of the hon. Member for Meath, and that they would as a body, be in favour of this Resolution, and declare themselves the advocates of the Christian principle of doing unto others as we would have done unto us, and that in this case they would join the rest of the House in demanding religious toleration in Tuscany; and whether or not Government would agree to the precise Motion, he trusted that they would so act as to forbid to this country the reproach of remaining supine while such acts as those detailed in this instance, were in progress in any part of the world.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to take such steps as Her Majesty may deem most fitting for bringing under the notice of His Imperial Highness the Grand Duke of Tuscany, the strong feelings prevailing among a large number of Her Majesty's subjects, in consequence of the persecution now actively begun in Tuscany, of those who secretly or openly profess principles held by Her Majesty in common with the majority of Her Majesty's subjects in this United Kingdom, which persecution appears likely to increase in intensity, through the decree lately promulgated, which re-enacts the penalty of death against the so-called 'depravers of the religion of the State.'"

Mr. LUCAS said, he could not withhold the expression of his thanks to the hon. Member who brought the present Motion forward for the opportunity of fair discussion which it afforded, and he was also inclined to thank the hon. Member for the manner in which he had submitted the question to the House, which was the least calculated to provoke an angry or unnecessarily warm discussion on matters interesting very deeply the feelings of Members of that House. He could not concur in the Resolution which had been proposed, mainly for the reason that he did not believe it stated the facts of the case accurately. In the Resolution, and also, it was a very remarkable fact, in almost all the statements made *ad captandum*, whether in that House or out of it, a very different case was submitted to the judgment of public opinion from that stated in the papers laid yesterday before the House. In the present Resolution it was stated, that—

> "In consequence of the persecution now actively begun in Tuscany of those who secretly or openly profess principles held by Her Majesty in common with the majority of Her Majesty's subjects in this United Kingdom."

The case, however, stated in the papers before the House was altogether a different case, and from the facts there mentioned, if true, it appeared that the persecution of the Madiais, as it was called, was not a persecution for openly or secretly professing any religious opinions whatever, but a punishment for engaging in a system of proselytism at the bidding and instigation of foreign emissaries and agents. ["No, no!"] He contended that that was the case in the papers before the House, and in the sentence pronounced, and he was prepared to prove the facts as alleged. It was stated in the papers that the Madiais, while denying that sectarian meetings were held in their house, admitted the meeting of a few friends there for the performance of religious worship. That was their defence, and what they endeavoured to establish; and, while granting the apostacy of a young girl in their service, they said the act was spontaneous on her part. The whole bearing of the defence of the Madiais, as far as it was disclosed in the papers, pointed to this result—that they endeavoured to establish that they had not been guilty of the crime of proselytism of the peculiar character described, but that they only performed acts of private worship in their own house. But what was the sentence of the Tuscan court with respect to this defence? It declared "That notwithstanding, neither by their witnesses, nor by witnesses summoned to public audience, have they succeeded in overthrowing the facts alleged in the accusation"—namely, proselytism of a systematic kind by the influence of foreign agency, and through the instrumentality of money paid from abroad—money, he believed, supplied from this country for a very peculiar purpose. The hon. Mover of the Resolution had told the House that he believed that all this persecution arose from reaction; but the noble Lord who seconded the Motion had a different theory. One held the Pope and the other the House of Hapsburg to be the prime mover in all these abominable atrocities. He wished the hon. Members would settle that question between them; but for his part he believed the statement contained in the papers before the House, and which was originally put forward when complaint was first made, and was to be found in the explanation given by Mr. Scarlett to Lord Palmerston, then Foreign Secretary, dated the 22nd of August, 1851, was the real case. Mr. Scarlett was speaking of the interview he had with the Duke of Castigliano, who, he stated, said in reply that he (Mr. Scarlett) must be aware that all foreigners were always allowed liberty of conscience, but that the policy of the Government could not permit foreigners to tamper with the religion of the native subjects of Tuscany, more especially at that period, when it was notorious that the pretended conversions to Protestantism were a mask to carry out dangerous political views. That was the case which the Tuscan Government made for itself; and when that House was asked to agree to the sentiment expressed that night, it was endeavoured, in fact, to transform the House into a Court of Appeal from the Courts of Tuscany, and to induce the House to declare that the Tuscan Courts had not decided accurately according either to the facts or the law, but that the House was much better informed on those points. It was utterly impossible for the House to take any such ground unless it had evidence on its side of the most superlative and transcendent force. They must take for granted that the finding of the Tuscan courts was true, and that the law was correctly interpreted. The case, therefore, that the House had before it was this—that the Madiais had been prosecuted for the crime of proselytism, as described in the act of accusation, for the crime of acting under the direction of foreign teachers, and meeting in secret conventicles, the persons composing which divided themselves into companies of ten for the propagation, under this foreign agency, of certain doctrines. It was for that offence, and not for meeting together for private worship, that the Madiais had been condemned. He was ready to express his perfect accordance with the Mover of the Resolution in reference to the re-enactment of the punishment of death in Tuscany. With that proceeding he had no sympathy, and was prepared to condemn it; but there were a great many of the statements of the hon. Member in reference to the acts of the Tuscan Government which he could neither affirm nor deny, and which did not appear to him to have very much bearing on the case. He, however, thanked the hon. Gentleman for bringing the case forward, because it opened up that class of considerations which he (Mr. Lucas) was extremely anxious to submit to the notice of the House. He was content at present to admit, for the sake of argument, that the Tuscan Government was to be blamed for having punished the Madiais in the manner alleged for the crime of proselytism; and now he asked what had been the conduct of this country and its Government in cases of another description, where Roman Catholics in different parts of the world had been concerned? The noble Lord who seconded the address told to the House with great emphasis and pathos the persecutions which Roman Catholics suffered under the Emperor of Russia, and referred to the well-known case of the nuns of Minsk. He almost wondered that the noble Lord should have alluded to that case, because, though it excited a great deal of public feeling and public horror, he (Mr. Lucas) never heard that the Secretary for Foreign Affairs ever instructed the Ambassador of this country at St. Petersburgh to remonstrate with that mighty potentate the Emperor of Russia, at whom the Minister of this country certainly did not tremble, but whom he treated with a great deal more consideration than a humble and miserable Grand Duke in the north of Italy. Who had ever heard of the Secretary of State for Foreign Affairs remonstrating with the Emperor of Russia, and telling him that it was contrary to the enlightenment of the present age to persecute and torture, when merely Roman Catholic nuns were concerned? Their case was one of infinitely greater atrocity than any ever described by the greatest licence of extravagance to have occurred in Tuscany; but the prudence, discretion, and good taste of Her Majesty's Minister of that day suggested to him that the Emperor of Russia was a very awkward sort of person to meddle with, and that it would be better to allow the nuns to be murdered, and to have the extremity of punishment inflicted on them, than to hazard a word of remonstrance with that great potentate. He was curious to remark the language of the hon. Mover, and of the noble Lord the seconder of the Resolution, and he found, in strict conformity with the correspondence before the House, that it was the duty of the House and of the Ministry to remonstrate whenever Protestants suffered persecution—whenever those who were not Catholics, and did not adopt the faith of the majority of Christendom were outraged and suffered violence; but that the obligation of remonstrance, of humanity, and philanthropy, which had been so loudly trumpeted forth that night, existed only for the minority of Christendom. The whole *rationale*, theory, and practice of the duties of the Foreign Office in this respect were set forth in a despatch written by the late Secretary of State for Foreign Affairs in October last. He did not know whether the House was prepared to adopt the doctrine that remonstrance was only to be made for one class of religionists; but it could not be supposed that he, or those who thought with him, would agree to a Motion the words of which lent a sanction and colour to that sort of doctrine which was put forth in the most prominent way in the papers before the House. He must say that the practice of the Foreign Office had been, not negatively, but positively, in exact accordance with that doctrine. He here particularly would make an appeal to the noble Lord the Member for Tiverton (Viscount Palmerston), because he was induced to think, from some of the papers which had proceeded from that noble Lord's able diplomatic pen, that if the Grand Duke of Tuscany wanted an advocate of the highest authority to defend his conduct, he might ask the noble Lord to undertake the case. He was sure the House would recollect the transactions which took place in 1847 with respect to the expulsion of the Jesuits from Switzerland, and in which the noble Lord took an active part. The noble Lord's voice was found raised in favour of the expulsion of the Jesuits, guilty of no crime—["Oh! oh!"]—guilty of no offence whatever; yet the noble Lord's voice was raised simply on grounds analogous to those upon which was based the punishment of the Madiais and those who acted with them. He found, in a despatch from the noble Lord to the Marquess of Normanby, dated November 16, 1847, that the noble Lord, in that calm, quiet, and easy manner which distinguished all his productions, without proposing himself any violence towards the Jesuits, suggested with great skill reasons which would induce all the parties by whom the despatch was intended to be seen to take the most hostile course against them. The noble Lord wrote:—

> "It appears to Her Majesty's Government that the objection which the Diet makes to the continuance of the Jesuits in Switzerland, is not destitute of good and reasonable foundation. The Society of Jesuits must be looked at both in a religious and in a political point of a view. In its religious character it is a society avowedly established to make war upon the Protestant re-

ligion. What wonder, then, that in a small country like Switzerland, where two-thirds of the people are Protestants, the introduction of such a society should give rise to dissension between Catholic and Protestant, and should be viewed with aversion by the majority of the nation."

Those were the grounds on which the Jesuits were to be expelled from Switzerland, not because they were bad politicians, but because they were banded together to proselytise the people among whom they lived—to disseminate the Catholic religion, and to make war as a religious body against Protestantism. That was the ground on which the noble Lord, with the approbation of the whole liberal and popular opinion of this country, recommended the Diet to exterminate the Jesuits out of Switzerland and out of those Catholic cantons, too, where, in obedience to the invitation of the people, they wished to establish themselves. But the Jesuits were to be established in Catholic cantons, and in strict accordance with the policy and opinions of the majority of the inhabitants. The noble Lord recommended, in fact, that the lay Catholics of the canton of Lucerne should be shot, war waged upon them because they advocated among themselves the maintenance of a body of emissaries of their own faith, who were organised to make war upon Protestantism. The Grand Duke of Tuscany said that the emissaries of Protestantism were really emissaries of revolution, and, taking the same ground as the noble Lord the then Secretary for Foreign Affairs, he decided that these persons ought to be punished in Tuscany just as the noble Lord had decided that the Jesuits should be expelled from Switzerland. That was not the whole of the case. He had some other evidence with regard to the opinions of the noble Lord, which he thought fitted him most admirably as the defender of the conduct of the Grand Duke of Tuscany, and the consideration of which should bring moderation into the fury against Catholicity which this case had excited among the Dissenters of Great Britain. He referred to the case of the Rev. Mr. Consul Pritchard, of Tahiti, and of the Independent missionaries in the South Sea Islands, with whom the noble Lord had had some dealings. The facts with regard to Tahiti were exactly parallel to those of the case at Tuscany, and the conduct of the noble Lord and his emissaries, as any two sets of transactions that ever fell under his notice. Every one in the House was acquainted with something of the history of the Independent missionaries in the South Seas. After labouring from the year 1797 down to the year 1835, they found themselves the heads of communities more or less flourishing in the South Seas. The tribes had been converted from the worst paganism to some form of Christianity by their meritorious labours and toils. These colonies, for such they were, were established in the South Seas by the missionaries. A Consul was appointed there. The noble Lord (Viscount Palmerston), he believed, appointed the Rev. Mr. Pritchard, whose name had since acquired European, or indeed wider celebrity, through the part he took, or was made to take, in the transactions between this country and France. About May, 1835, a certain Catholic missionary, Father C. Murphy, arrived at Tahiti. He went there, as in the case of Tuscany, to proselytise the people of the islands, and make them Catholics. What sort of reception did he meet with from the missionary Consul of Great Britain? He was told the Queen would not allow him to land, or, rather, he was allowed to land, but not to remain, and he was obliged to go to South America. In November, 1836, other missionaries came. Mr. Pritchard was better prepared for them. On the second arrival—

> "He had five or six men, with ropes in their hands, sent to the house in which the missionaries (MM. Caret and Laval) resided, with orders to break open the doors, bind them, and turn them out of the island by force. That was actually done. They were seized by the head and feet, carried by main force to a canoe, put on board an English vessel, and shipped back to the Gambier Islands."

Mr. Consul Pritchard, however, found himself, by this act, in rather an awkward dilemma. A certain French captain, sailing in those seas, came to interfere, the missionaries being French subjects, and having sought the protection of the force of their own country. Accordingly, Mr. Pritchard applied to the noble Lord (Viscount Palmerston), who then occupied the Foreign Office, for his advice and protection. The accusation against those missionaries was not that they were Frenchmen, or went to make a French settlement; but, as stated in Mr. Pritchard's letter to Lord Palmerston, "At present there are several Frenchmen who are determined to land and reside on this island as Roman Catholic missionaries." And, in a letter from Queen Pomare to Lord Palmerston, it was stated that—

> "The Roman Catholic missionaries are obstinately bent on coming to reside at Tahiti, saying

> that they are sanctioned in the step by the British Government. Is this true?" and "these Roman Catholic missionaries belong to France. We conceive they have nothing to do with our island, and hence we are determined not to receive them."

The noble Lord replied to these letters. He did not advise that a reception should not be given to the missionaries; but he dealt with the question with more astuteness, as might be expected from the diplomatic ability of the noble Lord. He said that, of course "every Government had a right to refuse to any foreigners permission to reside within its dominions if the presence of such foreigners was considered hurtful to the State." Months and years were spread out in this affair; but at length the threatening of the French power became too difficult to be dealt with easily. And then came a curious document from Mr. Pritchard to Viscount Palmerston, enclosing "a copy of a law passed by the Tahitian legislative body, by which his Lordship would perceive that the Protestant faith had become the religion of the State." And what was that law? It was expressed in very classical language, such as one might expect from the South Seas and natives newly converted to Christianity:—

> "Let Tahiti, and all the islands of the Kingdom of Pomare, Vahine I., stand unique under the Gospel which the missionaries from Britain have propagated ever since the year 1797, that is, these forty years past.
>
> "When foreigners come from other countries to this, on their landing let this law be put into their hands, that they may know, if such persons persist in teaching tenets which are inconsistent with that true gospel which has been of old propagated in Tahiti—if they build houses for worship, if they congregate followers in uncultivated places, that they might teach them all kinds of strange doctrines—if they trouble the usual modes of worship, and propagate strange customs for the sake of amusing, that do not comport with the written word of the God of Truth"—

The House would see how all this came from London-wall—

> "Such person has become guilty of breaking this law, and will be judged and awarded. This shall be his award: he will be sent to his own land, and shall not reside in Tahiti."

And then came the old blood of Tahiti—the nobility and gentry of the island:—

> "If any Tahitian shall propagate doctrines inconsistent with the gospel of truth, such as are called Mamoia, because they are doctrines inconsistent with those which have been taught by the missionaries from Britain"—

Britain being the standard of truth in all communities—

> "And with what is found in the written word of God, that person has violated the law; if he be a person of rank or a common man, it is the same, he has broken the law, and will be judged and awarded. This will be his award"—

Not that he would be put into a comfortable prison, like the Madiais—the noble Lord called it a loathsome dungeon, but he was corrected by the Secretary of Legation, who told the truth of the case, and said that Madiai was put into comfortable rooms, and was as comfortable as he could be for a person the subject of punishment—but

> "He will be sent to his native land to accomplish the sentence of the law in; if it be public road, fifty fathoms; if any other work, such as is found written in the laws. If he persist in refusing to do it, he will be judged, and new work imposed on him."

Those documents were all brought under the notice of the noble Lord, and they were all responded to by him in a document, the mildest, he should say, in all the correspondence on this subject. In writing to Mr. Pritchard, the noble Lord said—

> "In reply, I have to desire that you will express Her Majesty's deep concern at the difficulties under which Queen Pomare appears to labour; but you will, at the same time, say that, considering the great extent of the present dominions of the British Crown in the Southern Ocean, and the difficulty of adequately providing for the defence of persons living in allegiance to Her Majesty in a quarter of the globe so distant from Great Britain, Her Majesty feels that it would be impossible for Her to fulfil with proper punctuality any defensive obligations which Her Majesty might contract towards the Government and inhabitants of Tahiti, and therefore, however strong the interest may be which Her Majesty takes in the prosperity of the Society Islands, and in the happiness and welfare of Queen Pomare, Her Majesty is bound in good faith to decline to enter into any specific engagement of the kind which has been suggested; but you will assure Queen Pomare that Her Majesty will at all times be ready to attend to any representations that Queen Pomare may wish to make, and will always be glad to give the protection of Her good offices to Queen Pomare in any differences which may arise between Queen Pomare and any other Power."

That law remained in force, as far as he could understand, for two or three years, and was put an end to—by what and by whom? By the French admiral coming from a Catholic country with the Popish religion in his bottoms—he brought that sort of freight with him—he came with the Popish religion and French cannon, and he established, for the first time in the history of Protestantism in the South Seas, that "every one should be free in the exercise of his form of worship or religion." They had a letter from the noble Lord acknowledging that document; they had three letters afterwards in the subsequent papers published from the Earl of Aberdeen to Mr. Pritchard; and to this day Mr. Pritchard remained Consul in the South Seas and Navigator Islands; he never was rebuked for conduct such as that for which they now wished to rebuke the Grand Duke of Tuscany, but still remained the representative of the British Crown in the South Sea Islands, to preach those particular doctrines on the part of the noble Lord and his successors, in which they saw no criminality when they happened to tell on their side, but which excited in them emotions of the most holy horror when they happened to tell against them, or promote the cause which they were deeply resolved to oppose and destroy. If he believed that the Resolution they were considering expressed the facts with regard to Tuscany, there was only one consideration that would prevent him from adopting it and dividing in its favour; and that was, that he never could, and so long as he had a seat in that House he never would, recognise that the exercise of this power of humanity and philanthropy was to be all on one side. The noble Lord (Lord D. Stuart) spoke excellent truth and sense and wisdom on this subject, when he referred to Russia; but he might have referred to the instances with which we were more immediately connected, and much nearer home. He (Mr. Lucas) held in his hand two volumes laid on the table of the House by the noble Lord the present Foreign Secretary, as an inducement to the House to enter upon a course of persecution against the Catholic Church, when he was animated two years ago by the same sentiments towards the Roman Catholics which he lately told them animated him still. The public legislation of Europe was the ground upon which the noble Lord professed to base his Ecclesiastical Titles Bill, and he (Mr. Lucas) would take some of those specimens of the public law of Europe. He referred to Sweden, and he found—what? Mr. Gordon sending home a series of documents to inform the noble Lord and the House that "the ecclesiastical relations of that eminently Protestant country, especially with respect to Rome, were so similar." In documents coming from a Secretary of Legation, he was at least bound to observe the ordinary terms of decency in apeaking of his Catholic fellow-subjects; and he would remind Mr. Gordon, and the noble Lord who had laid these insulting documents on the table of the House without a word of comment or disapprobation, that the public name by which the Catholics of this Empire were mentioned in public documents and Acts of Parliament was Roman Catholic, not the word "Romanist;" that word was a nickname, a piece of Billingsgate, and yet he found it in documents coming from an officer who derived his salary and means of living from the taxes paid equally by all creeds of the community. That officer dared to send his puerile and disgraceful documents to be laid before that House, insulting those from whose pockets he derived his bread, and that insult was not reproved by the noble Lord, at whose instigation the documents were prepared. But Mr. Gordon sent a translation of the edict of toleration in Sweden of 1781, which was partly as follows:—

> "1. That professors of any foreign religion who shall wish to settle in the kingdom may under no condition be appointed to any office or employ in the State, high or low. 2. That nowhere throughout the kingdom may they establish any public school-house or other seminary for the spread of their faith. 3. That for this purpose they may neither send nor receive any missionaries within or without the country. 4. That no monastery shall be established, nor any monk allowed or permitted, of any sect or religion whatsoever."

And this would excite the sympathy of the noble Lord if no other part would:—

> "5. That Jews may have synagogues only in Stockholm, and, at the most, in two or three other large towns, where, under a proper police, they may be duly watched. 6. That the processions and ceremonies usual among foreign religions shall be forbidden, for the avoidance of all probability of error or scandal among the simpler sort. 7. That the enactments of the criminal law, chap. 1, sec. 3, as to those who fall away from our right evangelical doctrine, shall be strictly carried into effect. 8. That no one professing a foreign faith may enjoy any right at any Diet."

They might say those were only the letters and the text of the laws, and had no operation. It would be a sad mistake to make any such assertion. In one of these very documents from Mr. Gordon he found a statement, given with great animation and delight, of the manner in which those laws worked in practice; but he did not tell the whole truth: he did not tell the many instances that must have come under his knowledge; he told them that those laws did not remain inoperative or a dead letter. There was one instance in which the Swedish Government complained of the ovèr-proselytising zeal of a Roman Catholic priest at Stockholm. Application was made to Rome, and the over-active ecclesiastic was recalled from his post. Was that all? No; if it were he would not have inflicted upon the House this long statement. He wished to show that there were at this moment going on upon the part of Protestantism acts of persecution against the Catholics resounding throughout Europe, of which they were studiously and habitually uninformed, but which deserved, and required, and must have the interference of that House, of the Foreign Office, and of the Government, unless in adopting the course they had adopted in regard to the Madiais they meant one thing while they said another, and with the words "toleration and the spirit of this enlightened age" upon their lips, they did not practise what they preached with impartiality, but defended only those of their own religion, and looked with perfect unconcern and indifference upon those of other religions. He meant at an early period to submit a Motion to the House more in exact accordance with the Resolution of the hon. Gentleman (Mr. Kinnaird) referring to other circumstances, other facts, other countries, and other acts of persecution, quite as much deserving of the reprobation of the House of Commons as those to which the hon. Gentleman had referred. He meant to do so whether this Motion was carried or not, because those papers showed that European Governments had interfered in the case of the Madiais, and he meant to test the sincerity of those Governments, whether, having done so much in the case of persons persecuted by a Catholic country, they were willing to do as much in the case of Catholics persecuted by a Protestant country; and he would tell them some of the facts he had before him. With regard to Sweden, he would be prepared to show that the laws he had already referred to were no dead letter; that in 1848 it was proposed by Count Stettin to repeal that part of the law which referred to confiscation and exile, leaving the other disabilities remaining; but the Legislature of the country rejected his proposal.

> "In June, 1848, a man was convicted of having read aloud a chapter of the Bible, and said aloud a Pater Noster before a few persons assembled in his house. For this offence he has been condemned to a fine of 40 rix dollars banco (about 3*l.* 5*s.*), or, in default of payment, to 28 days' imprisonment, with fasting on bread and water. This case was remarked on by one gentleman in the Clerical Chamber, but he got the cold shoulder from his rev. brethren.
>
> "On Saturday (8th of July, 1848) a Lutheran minister of Stockholm 'caused an unhappy woman, mother of a family, to be waited upon by four police-officers to ascertain whether the facts were, as her husband had, 'in strict confidence,' told him, that she had really been received within the pale of the Holy Church. The poor creature at first hesitated to allow herself to be taken through the streets by these persons; but on the four sergeants announcing that in the event of her refusing to accompany them, they were instructed to use force, further opposition was, of course, not offered. . . . .
>
> "A brief interval has been granted to her for reflection, after which the Minister was to denounce her (it is most likely done before this) to the King's Court, which, apparently, has no alternative but to condemn her to exile.
>
> "About 1845, two gentlemen of the name of Nilson, one of whom was a painter, took it into their heads to become Catholics, and in obedience to the law were straightway ruined and driven out of the kingdom. What became of the other brother I cannot tell, but the painter went to Copenhagen, where the total ruin that had fallen upon him, joined to the anxiety and torture of a long and rigorous prosecution, fastened upon his health and brought him speedily to the grave. He died in the spring of 1847, in the public hospital, and left behind him a family of beggars."

If our Government was to interfere on the principles of humanity, the name of Nilson sounded as strong as that of Madiai; and when he (Mr. Lucas) brought forward (as he should do) a Motion urging the Government to take these cases into consideration, and use that indirect moral coercion, as it was termed, which they had used in Tuscany with regard to the Madiais, he should look to the right hon. Gentleman (Mr. Kinnaird) to do him the honour of seconding a Resolution which was to strike out a new course for our Foreign Office, bring a new class of cases under its policy, and throw its power and influence, and the weight of this great Empire on the side of humanity even for Catholics. Again—

> "This very year a Catholic lady who went to Stockholm—from Germany, I think—Mademoiselle de Bagen—to take charge of a school established by the Catholic pastor of the city, M. Bernhard, was, with M. Bernhard, arrested for the crime of making proselytes. . . Mademoiselle de Bagen had converted several Swedish ladies, whereupon a cry was raised against her, the police were set upon her and the priest, the press denounced them, and the accused were put upon their trial. They were defended (as eloquently as the Madiais) on technical grounds of law, but I have not heard, or have forgotten, how the matter ended."

Here was a system of laws as persecuting as those of Tuscany, and victims just as interesting to every true friend of humanity. If he did not feel that he had occupied too much time, he could refer to other States—to Mecklenburgh, where within a few months a Catholic priest was conducted by the police across the frontier—for what? For the crime of saying mass in private, in the private chapel of a nobleman, a recent convert to the Catholic faith. He (Mr. Lucas) proposed to begin by requesting the interference of the noble Lord with the Cabinet of Sweden—and it might turn Mr. Gordon's energies in more wholesome direction; afterwards he proposed to go through the Protestant States of Europe—to Mecklenburgh next, and then, perhaps, to Saxony; and we should produce a wonderful change in the social position of Europe. It could not be allowed that it was the peculiar duty of the Foreign Office to teach those Governments from which they differed in religion; let them apply their strength to those with which they agreed—the Protestant Cabinets of Europe—and rebuke this evil spirit out of Protestantism. When they had accomplished that great work, performed that Herculean labour, cleansed that Augean stable, then let them begin with the Catholic States. He would conclude with repeating, that if this Resolution did not contain statements which he believed not to be true, and to be at variance with the papers on the table, it should have his support. As it was, he could not support it. But he was sure, when he made his Motion, he should have it seconded by the hon. Gentleman opposite.

LORD JOHN RUSSELL: Sir, in following the able speech of the hon. Gentleman who last addressed the House, I own I should have been better pleased with that speech if that hon. Gentleman had indicated somewhat more decidedly than he has done whether or not he approves of the punishment and persecution of persons for the sake of religious conversion, or for endeavouring, by peaceable means, to convert others to their religion. In following that speech, in listening to all the statements of the hon. Gentleman, I own I am totally at a loss to know whether he approves or not of religious persecution. I wish to refer as little as possible—though one cannot altogether avoid—reference to the question between Protestants and Roman Catholics; and I shall state at once that my conviction is, that if Protestant States, Protestant laws, or Protestant judges condemn persons because they have become Roman Catholics, or because they teach others to become Roman Catholics, they do that which I consider to be morally wrong. I care little what particular profession of faith they hold. It may be that they hold exactly the doctrines and articles of the Church of England; but if they, professing those doctrines, endeavouring to inculcate them by penal means, by imprisonment and punishment—I say that with such persons I have no sympathy, and I would denounce them as readily as I would a Roman Catholic Sovereign. Well, Sir, what is the case which my hon. Friend the Member for Perth (Mr. Kinnaird) has brought before us? The hon. Gentleman opposite (Mr. Lucas) stated that there had been misrepresentation and exaggerations as to the nature of the crime for which the two Madiais were condemned—that it was not for the fact of their being Protestants, but because being Protestants they endeavoured to convert others to Protestantism, and for having done so under foreign agency. Now, with respect to this last part of the charge, although that is so stated in the general indictment, yet it seems to form no substantive part of the charge, because the foreign agent—whatever might have been at first done—had left Tuscany some time before, and these two persons, Francesco and Rosa Madiai, seemed to act entirely from their own convictions in all that they subsequently did. But let the case be as the Tuscan tribunals and the hon. Gentleman states it—though I must say with respect to those facts, that they are contradicted by Captain Walker in the most explicit terms—but let it be that Francesco and Rosa Madiai did endeavour to induce several persons, being Roman Catholics, to read the Bible, and that they even endeavoured to induce them to believe that certain doctines taught in the Roman Catholic Church were not authorised by the Bible—push their crime to the utmost, allow that they were caught, as the charge has it, *flagrante delicto*—that is, that they were caught reading the Bible in the Italian language—I still say it was a moral crime to punish persons for so doing. Well, then, the Government of this country—in the first place my noble Friend the Member for Tiverton (Viscount Palmerston), next the Earl of Malmesbury, when he was Secretary for Foreign Affairs, and in the last place since I have been at the Foreign Office I have taken the same line—we all stated to our Ministers in Tuscany that they ought to use all the influence they could, or that the name of this country was capable of producing, to obtain a remission of the sentence against these persons. Now, with respect to the different Secretaries of State, I say we were fully justified in thus proceeding;

and I think we have shown such a disposition to press the case as far as it could be pressed according to the circumstances of the time, that I feel I am entitled to ask my hon. Friend (Mr. Kinnaird) not to press this Motion, but rather to leave it in the hands of the Government to take such course as they think advisable. The hon. Gentleman (Mr. Lucas), who has not given his opinion, as I maintain, on the general subject, says that we are not justified in considering ourselves the friends of religious liberty, because we concern ourselves only on behalf of Protestants, while, when oppressions and persecutions are exercised towards Roman Catholic subjects, we are utterly indifferent, and do not interfere. That such is our general conduct can hardly be maintained, because neither in the United Kingdom nor in any of the dominions of her Majesty with which I am acquainted, can any person be punished for the offence of endeavouring to induce another to become a Roman Catholic. The hon. Gentleman must be aware that according to the general maxims, according to the laws of this country, we would shrink with abhorrence from any proposition to punish persons because they had endeavoured to induce others to become Roman Catholics. The hon. Gentleman does not deny this to be the case; and so far our conduct as a State is in such contrast with that of Tuscany, that we can go with clean hands and ask the Grand Duke not to exercise persecution. But then it appears that my noble Friend near me, more especially when he was Secretary of State for Foreign Affairs, showed indifference to the question of religious persecution. I should certainly have been surprised if that had been the case with regard to my noble Friend; because I know no man who has more frequently or more perseveringly shown his attachment to the cause of religious liberty; and I well remember in that great struggle, in which I was permitted to take part only by my vote, which ended in admitting Roman Catholics to seats in this House and in the Government, one of the most powerful speeches at the close of that struggle in favour of the Roman Catholics, was the speech of my noble Friend. But my noble Friend, it appears, took part in the disputes between the cantons of Switzerland, some of which said there would be no peace nor quiet in the land as long as the Jesuits were allowed to remain. My noble Friend said that might possibly be the case, because he had learned from history that the Jesuits had everywhere by their intrigues been the disturbers of the peace of States. But was my noble Friend, when he said that indulging in a Protestant prejudice? That could hardly be the case, because there were Roman Catholic princes who had declared the same thing with respect to the Jesuits, but in much stronger terms. Among other places from which they had been expelled, was the Kingdom of Spain, and by his Most Catholic Majesty the King of Spain, in whose kingdom down to the present day no Jesuit was allowed; and, in the next place, the Pope himself had declared that the order of the Jesuits was altogether inconsistent with the cause of good order. If my noble Friend, therefore, has been misled—if he has formed a wrong estimate of the order of the Jesuits, and there may be many estimable and admirable persons to be found in that order—if he was misled, he was misled not by Protestant but by Roman Catholic authorities. Then the hon. Gentleman, finding it difficult to find an example of intolerance either in the United Kingdom or in any of the possessions of Her Majesty, lights upon an island in the South Seas; and here he says is an instance of intolerance which passed without notice or rebuke. It is not for me—I shall certainly not undertake the task of defending Mr. Pritchard and the laws of Queen Pomare. For my part, I do not see that we were obliged to go farther in the matter than we did, because my noble Friend, in his despatch, informed Mr. Pritchard that it was impossible for the Queen of this country to remonstrate with France, or to take the island under Her protection; and therefore he declined the proposition of Mr. Pritchard. There is no doubt that there have been dissensions between the persons who have gone to establish missions in the South Seas, sometimes originating with the Protestant missionaries, sometimes with the Roman Catholic missionaries; and I must say that these dissensions are not at all creditable to the Christian profession. The hon. Gentleman complains of the laws of Sweden, and he refers to certain books, which, he says, I procured to support the Ecclesiastical Titles Bill. I must say I read very little of those books—my case did not require them; and as to the despatch of Mr. Gordon, I do not know even to what it is he refers. The question as regards the Ecclesiastical Titles Bill was a question of fact, I held that it was a question of temporal power. Others maintained, against me, that it was a spiritual question, and that it referred to the exercise of religion. The question undoubtedly touched on the confines of both. I am not going to resume that dispute now; but that was really the question—whether we were right who maintained that it was a temporal question, or whether those were right who said it was a spiritual question. But with respect to Sweden, or any other country, if the hon. Gentleman, when he brings his Motion before the House, or makes his representation to the Secretary of State for Foreign Affairs, will show that religious persecution exists, I am sure that the Foreign Secretary will have no objection to state to our Minister residing in that particular country, that it is not consistent with the spirit of the age and with the maxims of the most civilised countries to adopt persecution on account of religion. That Her Majesty at the head of this State—one of the most eminent, one of the most powerful States in Europe—that Her Majesty should instruct Her Ministers to take a peculiar interest where Protestants are persecuted, is surely no unnatural circumstance. It arises from the Protestant character of this country—it has descended to us from the times of the Vaudois, from the Revocation of the Edict of Nantes, and from other acts when we were called upon to succour Protestants who were persecuted and ill-treated by Roman Catholic States. I am not ashamed of being one of those who have inherited those principles; and I think the Government have done nothing unbecoming themselves if they represent to a Roman Catholic Sovereign that Protestants are ill-treated, either in Tuscany or elsewhere. But the hon. Gentleman said—Go to the sovereigns who hold your own persuasion. But is it not natural that we should rather go on behalf of those who are of the same religion with ourselves, and who are suffering, than that we should go to sovereigns who are not of the same religion? With respect to the case of the nuns at Minsk, the facts were obscure, and they were denied on the part of Russia. The only sovereign, I believe, who made a remonstrance on that occasion was the Pope. Well, that was natural—he naturally felt an interest in those Roman Catholic nuns who were said to be persecuted, and he showed the interest which I think it was natural for him to do. And on the same ground, if Protestants are persecuted by the Grand Duke of Tuscany, it is natural that the Queen of England should take as much interest as the Pope did in the case of the nuns, and interfere in their behalf. But while I admit this—while I admit that it is natural that we should feel most interest on behalf of persecuted Protestants—I assert again, what I maintained at an earlier part of my speech, that the principle is one and universal — that there ought to be no exception — that persecution for religion is always odious and detestable—and that the Government of this country will always do well to lift up its voice against persecution. If we should be assisted and applauded by the voice of the hon. Gentleman who has just spoken, I shall be glad to find that we are all agreed on the subject. I cannot say, for my part, that the Roman Catholic subjects of Her Majesty approve of these acts committed against the Madiais. I have seen testimonies borne, I have seen reports of speeches made by Roman Catholics, which are extremely gratifying, as they show that they participate in the general feeling, though naturally they were not the first to complain. I believe that the Roman Catholics in general disapprove of persecution on account of religious opinions, and when I say the Roman Catholics, I mean the Roman Catholics of the United Kingdom. I am sure it is most desirable that the principles of religious liberty should spread and flourish, and should be extended to those States in which they do not now prevail. Ever since the revolution of 1789 I believe, and not until the revolution of 1789, the Protestants of France have not been visited by persecution on account of their religion. I have often heard of Protestant clergymen in France endeavouring to extend their flocks, and to induce Roman Catholics to become Protestants, and I do not believe there is any law which would justify any person in France, or any authority in France, in interfering with them. The more civilised parts of Europe, whether Protestant or Roman Catholic, hold those principles; and I trust we are not coming to a time when they will be disputed. Holding these opinions, and having taken the course which I have taken with respect to this particular case of the Madiais, I certainly do think that my hon. Friend and the House of Commons may leave it in the hands of the Government; and I think it may be wise, having made remonstrances, not to be continually repeating those remonstrances. Our opinions are known, our voice has been heard, and I do trust, although the Madiais and others may suffer, that the general opinion will at length secure religious liberty throughout the world.

Mr. BOWYER would not follow the noble Lord through all the arguments he had used; but when the noble Lord said that the friendly interference of the Foreign Office would be extended to any persons who were persecuted on account of their religion in a foreign country, though he might not belong to the State religion, it would have much strengthened the noble Lord's argument if he could have shown any instance in which such friendly offices had been exerted. He hoped, however, that in future the same kind protection which had been afforded to the Madiai would be extended to Roman Catholics in cases where they were persecuted on account of their religion. He was not prepared to admit, except to a limited extent, the position taken by the noble Lord, that as this was a Protestant country it was reasonable that its Government should interfere rather on behalf of Protestants than of Roman Catholics. As the majority of the people in England and Ireland were Protestant, and as the established Church was Protestant, this country might perhaps be called Protestant; but since the passing of the Catholic Emancipation Act he had hoped that the distinction between Protestant and Roman Catholic would have been forgotten. It should not be forgotten that one part of the United Kingdom was a Catholic country, and though circumstances had lately affected the statistics of the population, he might estimate the Catholics of Ireland at 6,000,000, while the Protestants were not 1,000,000. [*Dissent.*] He had indicated the circumstance which rendered it extremely difficult to find out precisely what were the numbers; but what he had a right to state was that an overwhelming proportion of the population of that part of the kingdom were Catholics, and therefore he had a right to say that so far as that fact went, it might be called a Roman Catholic country. Now, looking to the equality of *status* assured to Roman Catholics by the Emancipation Act, and bearing in mind that the majority in one portion of the empire were Roman Catholics, he thought he was entitled to say that if there were any degree of protection which the Government of England could extend to the Protestant subjects of other countries, the same protection ought to be extended to Roman Catholics. There was not, he believed, any division of the population which was more truly attached to the Crown and to Her Majesty than Her Roman Catholic subjects. It was impossible for him to approach the painful subject now before the House, without declaring in all sincerity that no one would hear with more heartfelt satisfaction than he should that the Grand Duke of Tuscany, in the exercise of his sovereign clemency, had extended pardon to those unfortunate persons the Madiai. He said so as a Roman Catholic, because he believed the Catholic Church did not require the secular arm to support it—it could support itself by its own truth, and free and fair discussion would redound to its advantage. The freedom which the Roman Catholics enjoyed in this country he wished to see those who differed from him enjoy in other countries. He wished now to call the attention of the House to the true legal character of the case brought before it that evening by the hon. Member for Perth (Mr. Kinnaird)—because, giving all credit to the hon. Gentleman for having brought it before them, as had been already remarked, in a manner most creditable to that hon. Gentleman, not being calculated to excite religious asperities, but rather to produce that calm discussion which was desirable, he begged to say that it did not stand before them in the manner it ought to do. It had been placed on the footing of a religious persecution. His noble Friend the Member for Marylebone (Lord D. Stuart) supposed it to have been instigated by the influence of the Pope; and he thought the hon. Member for Perth himself attributed the case of the Madiai to the influence of the Holy See, and said he considered it a portion of a system carried on throughout Europe by the Romish hierarchy to regain a power which appeared to be either lost, or in danger of being lost. Now that view was entirely erroneous. It so happened that the code of law under which the prosecution took place was that of the Grand Duke Leopold, a Jansenist sovereign, a determined enemy of the Ultramontanists, and a disciple of the Emperor Joseph, which actually deprived the ecclesiastical courts, the hierarchy and the clergy of the Church of Rome, of all civil and temporal power. In Tuscany, therefore, the bishops had no power whatever, except that which belonged to their sacred office alone. He would refer them to the work of an Italian lawyer and professor of the highest authority on the criminal law of Tuscany, for the purpose of showing that, as regarded such a case as that of the Madiai, it was a crime against society, and not a religious offence, which the law contemplated, and that the offence of these persons was not looked on as an offence against religion, but as an offence against the religious system of the civil community. Carmignani, *Jur. Criminalis Elem.*, vol. ii., p. 18, 19, 20—Title 'On Crimes against Public Religion':—

> "'I do not know,' says Cicero, 'whether the integrity and the society of the human race can remain, if piety towards the Gods be destroyed.' Therefore," [continues Carmignani] "it is of the utmost importance to the State that proper reverence for, and belief in the Divine Nature be maintained, and that the external acts in which public religious worship consists, be confirmed. And if any one dares to contemn the received opinions regarding God—(propagating contrary ones among the people)—and the religious worship established by public authority, he is to be punished as a violator of the civil laws. As crimes are not to be politically imputed because of their own wickedness, but because they are hostile to society, it is evident that crime against public religion is to be imputed (or held punishable) as injurious to the commonwealth. Therefore those things which make the specific crime contrary to society, are essential to constitute the legal offence."

Carmignani then goes on to state the requisites to constitute the offence:—

> "1. An external act contrary to religion; 2. Intention to subvert religion; 3. Publicity of the act, so that a public scandal shall have arisen.
>
> "Other things, which, without hurting public religion, are injurious to God, and induce rather a violation of the internal law of God, are not subjected to public penalties, but are left to Divine justice.
>
> "(p. 27.) Impious dogmata against the public religion are punished as sacrilege, if they are by word or writing published to the people, with an intent to subvert public religion, or to disturb the public sacred things."

These are the doctrines of the English Common Law, as appears from *Blackstone's Commentaries*, iv. 43:—

> "First, then, of such crimes and misdemeanors as more immediately offend Almighty God, by openly transgressing the precepts of religion, either natural or revealed; and mediately, by their bad example and consequence, the law of society also; which constitutes that guilt in the action which human tribunals are to censure."

Blackstone then enumerates the following offences:—

> "Apostacy; Heresy; Reviling the ordinances of the Church; Nonconformity."

He cited this passage from Blackstone for the purpose of illustrating the principles of the Tuscan law, and of showing its purely civil or unecclesiastical character, relating simply to the peace and order of temporal society. Now, if they turned to the act of accusation they would see that the crime alleged was a civil and not an ecclesiastical offence—it charged the parties inculpated with making efforts to propagate a heterodox confession, and with affording accommodations to meetings, and carrying on the distribution of tracts. The gist of the whole case, as stated to the House, was supposed to be that the Madiai were punished for reading the Bible; but an inspection of the instrument would show that overt acts were stated, including that of three persons being found reading the Protestant Bible, but that the accusation followed, that accusation being of "impiety" committed, not by reading the Bible, but by their becoming labourers of *propagandism* and of proselytism, not so much by teaching as by the diffusion of books and printed tracts. It was an offence against the religion of the State considered as such; a purely civil offence disturbing the civil community. It had been argued that the law of Tuscany was not rightly construed by the court, and that the offence had not been established by the evidence; but international comity always acknowledged the final decision of a court having jurisdiction in the subject matter. The prosecution proceeded, not at the instance of the ecclesiastical authorities, but of the Attorney General. He had, therefore, shown that the act referred to was a civil act, that the ecclesiastical authorities had nothing to do with it, and that it must be dealt with as a question of the civil law of Tuscany, operating through a civil tribunal upon a subject of that State. Now, though he should have the greatest pleasure in hearing that these persons had been liberated from their incarceration, he must still deprecate the manner in which the question had been agitated in this country. In tracts, pamphlets, the newspapers, and at public meetings, the Grand Duke of Tuscany had been held up as a tyrant, to be execrated by all men. And for what? For the act of a tribunal of his country, and the internal administration of justice in his country in the case of persons who were his own subjects. If anything was necessary to prove the pernicious effects of this agitation, it would be found in the despatches laid before the House. One of these documents, penned by the late Secretary for Foreign Affairs, was indeed so indiscreet, so violent, and so incorrect, that Sir Henry Bulwer declined to make use of it. The Earl of Malmesbury said that these unfortunate persons were undergoing punishment for the sole crime of worshipping God according to the dictates of their conscience. He (Mr. Bowyer) had shown, however, that this was not the case. But to impute the wicked and malicious objects which that despatch imputed to the Church of Rome, and to assume such a tone of lecturing as it employed to an independent foreign Prince, was calculated not only to prejudice the case of the prisoners, but also seriously to embarrass the foreign relations of this country. Some of the most eminent statesmen this country had produced had deprecated such discussions as that in which they were now engaged. They had done so rightly, because, even at the present moment, the facts of this case were only to be gathered from two or three meagre legal instruments and the hearsay in which the hon. Member for Perth had so largely dealt. Such discussions as this were calculated to give offence to foreign Powers, and they ought to be as unwilling to give offence to a small State as to a great one. One of the despatches addressed by the present noble Foreign Secretary (Lord John Russell) to Sir Henry Bulwer was in a tone still more objectionable. The noble Lord asserted the imprisonment of Francesco Madiai in an unhealthy prison; and then went on to say, that it seemed to be imagined by some Governments on the Continent that if they avoided executions on the scaffold they would escape the odium to themselves and the sympathy for their victims which attended the punishment of death for offences of a political and religious character. A few nights since the right hon. Gentleman the Member for Bucks (Mr. Disraeli) had put a question respecting a statement made by the President of the Board of Control (Sir Charles Wood) as regarded he present state of France; and that right hon. Gentleman had, no doubt, with the concurrence of the noble Lord, explained and in some sort apologised for the expression. But here was the noble Lord himself using expressions still stronger in reference to a sovereign equally independent, though not equally powerful. He could conceive no pitch of malignity to exceed that which the noble Lord had imputed to "some Governments on the Continent," without stating to what Governments he referred. The noble Lord further said in one of his despatches that throughout the civilised world this example of religious persecution would excite universal horror. ["Hear!"] He (Mr. Bowyer) hoped the hon. Gentleman who cheered would receive his assurance that he was as great an enemy to persecution as any one in that House; but it so happened that in a despatch from Mr. Erskine to the noble Lord the Member for the City of London, Mr. Erskine said that, in consequence of a reference in one of the noble Lord's despatches to the "unhealthy prison" in which the Madiais were confined, he had made inquiries on the subject, and had been informed by Mr. Chaplin, an English gentleman who had visited them, that he had no fault to find with the treatment either of Francesco Madiai or his wife; that their prisons were comfortable, and that he was satisfied with the attention paid to their physical wants; so that the unhealthy prison and the ill-treatment of the Madiai were due to the noble Lord's imagination alone; and though the intemperate language of the noble Lord arose perhaps from generous feeling, it was destitute of any foundation on strict fact. He (Mr. Bowyer) was as great an enemy to persecution as any hon. Member in that House; and he had spoken on this occasion only in the interest of truth and justice, and with the purpose of putting the case upon a right footing; and he wished, by this public statement, to put an end to the many assertions constantly made in the public prints that the Madiais were confined in a loathsome dungeon merely for the offence of being Protestants. Indeed it appeared from the printed papers that Casacci, who was indicted with the Madiais, was acquitted on the ground that though he was a convert to Protestantism, and a teacher also, his acts were private, and confined to his own house, and therefore not within the meaning of the law. He must say, he believed the mode in which this case had been conducted, the strong language which had been used, and the violent attacks which had been made upon the Government of Tuscany, had, in fact, impeded and frustrated the benevolent intentions of those who had been led to adopt those undue means of accomplishing their object, and had thereby created difficulties which would not be easily surmounted.

Mr. DRUMMOND said, the hon. and learned Gentleman who had just resumed his seat endeavoured to make the House believe that the imprisonment of the Madiais was the consequence of a righteous judgment, and that they had been only punished for an offence against the civil State, and not on account of any religious proceedings. That argument, however, was not new, for he (Mr. Drummond) believed that there was never an instance of persecution by the Inquisition in which the same excuse had not been alleged; and even to this day it was notorious that the massacre of St. Bartholomew was justified on the very same grounds. Indeed it was a common trick in Spain for the priests to pretend to intercede for the wicked man; but the cruel State who held him burned him nevertheless. He (Mr. Drummond) was afraid that the remark of Machiavelli was only too true, when he said that he had known very many instances of priests interfering to aggravate the punishment of persons condemned, but that he had never known one to interfere for the mitigation of punishment. As regarded the Madiais, he did not think it quite wise of the people of this country to be constantly pressing their notions of toleration on foreign States. If, for instance, what was called toleration here had been exercised in France for the last four or five years, he was sure that other meetings would be held under pretence of religion, and that the safety of the State would have been compromised, and possibly endangered, by revolution. He thought, therefore, the present interference was injudicious. He did not like to say anything which would appear condemnatory of the efforts which were made to obtain the release of the Madiais, or to sanction in any view religious persecution, to which he had a great objection; first of all, because he hated cruelty; and, secondly, because it was so expressly absurd, for they never could convert any man by it; but he did think that the Grand Duke, finding himself pressed by one force on one side, and by a stronger force on the other, had yielded, as he could not help yielding, to the latter; and he believed, therefore, that private remonstrance would have had far greater effect than all the public display which had taken place on the subject. The hon. Member for Meath (Mr. Lucas) had urged that the *gravamen* of the offence of the Madiais lay in acting under foreign instigation. That sounded rather strange in his (Mr. Drummond's) ears, in connexion with what the hon. Gentleman said on the subject of the Ecclesiastical Titles Bill, seeing that the very ground of that measure was foreign instigation. Perhaps the House did not know the fact, but it was a fact not the less remarkable for all that—that a foreign prince—an Englishman truly by birth, but still a foreign prince—had been sent into this country to effect a material change in its institutions; that this individual wrote with his own hand letters to foreign Powers, informing them of his purpose; and that these Powers replied to him unknown to the Queen of England. He might be told that this was a common thing; but that was only another reason for its prevention. He should not quote Protestant authorities on the matter, lest they might be suspected; but in the time of Edward III.—a good old Popish King—when a cardinal from Rome arrived at Dover, the Queen, who was in London, while her husband was elsewhere, stopped him, sending word that he should come no further at his peril, until he had obtained the consent of the King. If the same course had been taken with respect to another cardinal—and he (Mr. Drummond) wished it had been—it would have saved a deal of trouble. He did not approve of interference in these matters; but he was bound to say that those rich gentlemen of London-wall who had been referred to by the hon. Member for Meath, had not gone to Tuscany to teach the Madiais that they owed a superior allegiance to another sovereign than the Grand Duke, or to excite them against their country. These questions were facts, and were not to be dealt with, therefore, in a sentimental manner. He wholly acquitted the Catholic laity of any intention or desire to persecute; but he would say that it was well known that throughout Europe there was spread what the French called the *parti-prêtre*, who existed solely and entirely on the moral, intellectual, and spiritual degradation of the people—and who found the secret of their success in putting down the Scriptures, for which they could plead the decrees and orders of various Popes without end in their favour. The New Testament was addressed to the laity rather than to the clergy; and the clergy who believed in their Church were, therefore, perfectly justified in their own eyes in putting down reading the Scripture *ad libitum*. Why, how could they go on without it? Supposing a layman got a copy of the Testament into his hand, he found it was addressed principally to the laity, and seldom to the priest, so that if there was any distinction at all, the laity had the right to it, and not the priest. Was it not perfectly clear the whole thing must come to an end? They were, therefore, perfectly right to put down and prohibit the reading of the Scriptures, and, whether those who circulated the Scriptures intended it or not, they were really and truly encouraging revolution under another form. It was no wonder, then, that the Grand Duke was jealous of such interference. But before they went to take the motes out of the eyes of Roman Catholics, before they condemned the conduct of Roman Catholics, let Protestants look a little at what their own conduct was. They said the Roman Catholic priests had, by their authority, put down the Scriptures; and so they had. Protestants had taken the Bible, and by it they destroyed the Church. Now, they might as well begin to mend their own ways first, for if they had not gone the length of persecution of the upholders of the Church, it was simply because they could not do it, and the language that had been made use of towards such men as the Bishop of Exeter and others, who had upheld the authority of the Church, showed what was at the bottom, and what Protestants would do if they could.

Mr. J. D. FITZGERALD said, that as a Roman Catholic Member of that House, he had not the slightest hesitation in expressing his unequivocal disapprobation of the most cruel sentence that had been carried out upon the Madiais. It might be expected that he should go further, and express his opinion upon the cause of that punishment. Now, he did not know that on the face of the correspondence he was enabled to form an accurate judgment as to whether the law had been well applied or misapplied; but, if he was to understand that any person fairly using the Scriptures, or endeavouring, by peaceable means, to propagate his opinions, was to be treated as guilty of a crime, he could never yield his assent to such a doctrine. Such a sentiment would come badly from him, as a member of the Roman Catholic Church, which had a society for propagation of the faith, a society of which he was proud—which sent out its missionaries into every country with the object of proselytising. He adopted the sentiments expressed by the noble Lord the Secretary of State for the Foreign Department; but he must say that he could not understand why the hon. Member for Perth (Mr. Kinnaird), in introducing the Motion, had referred to the conduct of the Roman Catholic clergy. From what he (Mr. Fitzgerald) had heard of this Leopoldine law, under which Francesco and Rosa Madiai had been convicted, he was convinced that, so far from its being derived from the Roman Catholic Church, it was derived from a system which had destroyed the power of ecclesiastical courts, and through the ecclesiastical courts the power of the Church. He approved to a certain extent of the interference of England in this question. It was not a question of Protestant or Roman Catholic, but one in which the great interests of civil and religious liberty were involved; and he said, as a Roman Catholic—as a member of a religion which had been persecuted up to a recent period, and was not yet free from disabilities—that he should ever raise his voice against persecution of every kind. He demanded civil and religious liberty for himself, and he would not be a party to withholding it from others. But the system still continued of endeavouring to impose religious opinions upon others by force, whereas we might at the present day at least recall to mind with advantage the saying of Charles V., who, after he had retired from the throne, employed his leisure in making watches. "Fool that I am; I have expended all my time and labour and all the resources of my State in endeavouring by force and violence to make men think alike on religious subjects, when, by all my force, I cannot make these watches go together." He (Mr. Fitzgerald) hoped that the mover of the Resolution would adopt the suggestion of the noble Lord the Secretary for Foreign Affairs. Dealing with this question as one of strict right, perhaps we had already interfered too far in the matter, though he trusted that England, which was now the only country in Europe that possessed true liberty, would neither now nor at any future time be backward in endeavouring to relieve those who suffered in the cause of freedom.

Lord STANLEY said, that cordially agreeing, as he did, with the hon. Member who had introduced that debate, in regard to the general policy of Tuscany, and particularly in the case of the Madiais, he only wished to state upon that occasion, in a very few words, what he believed to be the principle of action which had guided the conduct of the late Government in that matter. He did not think that there had been entertained, or that there could be entertained, on the part of any Government of this country, the slightest doubt as to the propriety of England's interposing in such a case. The only question that could arise was, as to the mode and nature of that interposition, and whether it should be of a formal and official, or of a less formal and unofficial character. He would state the manner in which the case had presented itself to the late Government. They had felt that if an official remonstrance were to be addressed to the Tuscan Government, it must be couched in strong terms; and if such a remonstrance were to be met by a plain and peremptory refusal, then the Government would have before them but two alternatives, each of a very embarrassing and disagreeable description. They would either have to submit to a loss of national honour and dignity, or else they would have to withdraw the British Minister from Tuscany. But that latter course was one which he had no hesitation in saying would be a misfortune, not only for Tuscany, but for Europe, in the present condition of the Tuscan States; for if there was one country in Europe which more than any other stood in danger from its neighbours, that country, he believed, was Tuscany. It had, therefore, been determined that the interference of the British Government should take place in an unofficial form. But although it had been unofficial in its form, yet he thought he could show, from the language addressed by Lord Malmesbury to Sir Henry Bulwer, that it was meant that it should be most earnest and impressive in its character. In a despatch of Lord Malmesbury to Sir Henry Bulwer, that noble Lord intimated to Sir Henry Bulwer his wish that he should use every possible effort, unofficially in point of form, but most earnestly in point of spirit, to press on the Grand Duke and on his Government the anxious desire of Her Majesty's Government that their representations, joined with those of other Powers, might induce the Grand Duke to exercise at once his prerogative of mercy on behalf of those unfortunate persons who had been undergoing punishment solely for the crime of having worshipped God according to the dictates of their conscience. Her Majesty's Government had for some time had the best grounds for expecting that their unofficial representation would have been attended with success. Sir Henry Bulwer had written to them on one occasion to state that he had reason to hope that, before long, the sentence of imprisonment against those unfortunate persons would be mitigated into one of exile; and on another occasion he had stated that he felt sure that any further remonstrance would only operate to the disadvantage of the parties in whose favour it would be made. Now he (Lord Stanley) believed it would be generally admitted that, after such language had been used by Sir Henry Bulwer, whom it would not be invidious to describe as the ablest diplomatist in the service of this country, it would have been highly impolitic on the part of the Government to have proceeded—at once, and without awaiting the result of what had already been done—with any more stringent and formal representation. He had no intention to cast any censure on the course taken by the present Ministry in that matter; but he trusted he had said enough to justify the conduct of their predecessors.

Sir ROBERT H. INGLIS said, he would ask the indulgence of the House for a few moments while he adverted to a single point which had been raised in the course of that discussion. The hon. Member for Meath (Mr. Lucas) had claimed the sympathy of the House and of England for all cases of persecution to which his co-religionists, or, indeed, persons of any faith, might be exposed. Now he (Sir R. Inglis) could not accede to that proposition; and he believed that his noble Friend (Lord John Russell) had acted most consistently with his own high position and principles, and with his duty as the representative of the Protestant Queen of a Protestant country, when he had employed his influence on behalf of persecuted Protestants. It did not follow, that whenever human beings suffered, the people of this country ought to go to war to redress their wrongs, although they might be ready to aid to the utmost of their power persons who sympathised with them in the highest and the most important of all interests, when those persons were doomed to persecution for fidelity to their religious principles. In such a case it would be the duty of the British Government, as in the days of Elizabeth, of Oliver Cromwell, and of William III.—["Hear, hear!"]—names which might not be well received on the other side of St. George's Channel, but which, in connexion with the cause of Protestantism, he trusted would be ever gratefully remembered in this country—in such a case it would be the duty of the British Government to use all the weight of the political and moral influence of this Protestant country to redress unmerited oppression. His noble Friend had answered conclusively the appeal made by the hon. Member for Meath on behalf of the nuns of Minsk, by stating that the head of their own religion was the person who was bound to interfere, and who had interfered for them. But although that answer had been perfectly satisfactory, he (Sir R. Inglis) did not wish to let that discussion terminate without some protest being made against the doctrine of the hon. Member for Meath, that they were then to take into consideration the wrongs suffered by any persons in any part of the world, whatever might be their religion or their want of religion, merely because they felt they had a right to interfere in behalf of their Protestant brethren.

Mr. KENNEDY said, he believed the Grand Duke of Tuscany, when the remonstrance had been addressed to him upon that subject, might have fairly retorted on the British Government by pointing out the religious inequalities which unquestionably prevailed in these countries, and the adoption by the Imperial Parliament of such a measure as the Ecclesiastical Titles Bill.

Viscount PALMERSTON: Sir, I had no intention to take part in this discussion, but I do not wish that the debate should close before I make one or two observations on the pointed allusions which the hon. Member for Meath has addressed to me in the course of his speech. The hon. Gentleman is desirous that I should stand forward as the defender of the Grand Duke of Tuscany. That wish was not unnaturally expressed by him; for I must say it appears to me that if he were the only defender the Grand Duke could boast of, the Grand Duke is, indeed, in much need of some abler champion. But I decline the task. I will defend myself, but not the Grand Duke. The hon. Member for Meath, unable to say one single word in defence of the conduct of the Grand Duke, proceeded to impute to me conduct similar in principle to that which my hon. Friend who introduced this Motion, and the House, have so justly condemned in the Grand Duke; and he supported this charge by reference to certain transactions with regard to Switzerland, and to events which passed in the island of Tahiti. Now, with regard to the Swiss question, the hon. Member read such parts of the papers as suited his purpose. But he could not have read enough to inform him of the real nature of the transaction to which he alluded, or, if he did, he suppressed that which formed the key to the whole transaction. Now, what was that transaction? The hon. Member appeared to represent that I stood forward as a persecutor of the Jesuits—that I had urged the Swiss cantons to exterminate, as he called it, the Jesuits. What he meant by "exterminate" it remains for him to explain. I suppose he meant to expel them. But that was not the true representation of what took place. The facts of the case were these: A civil war had broken out in Switzerland. Cantons were armed against cantons; Protestants against Roman Catholics—a majority against a minority. We were invited by the French Government to mediate between the contending parties; we were engaged with the French Government in endeavouring to devise such terms as might be submitted to the two parties with a chance of putting an end to that disastrous conflict. The cause—the original cause of the conflict, was the Jesuits. It was their presence in Switzerland; it was their aggressive proceedings in the Protestant cantons which had produced that war with regard to which our mediation was asked for. That which struck me was, that the natural and the only mode of putting an end to the contest was to remove the object and the cause of it. It was in that spirit that we proposed that the Jesuits should be withdrawn: and I did state, undoubtedly, in making that proposal, the reasons which induced me to think that the presence of the Jesuits in any country, Catholic or Protestant, was likely to disturb the political and social peace of that country. I maintain that opinion still, and I do not shrink from avowing it. I did not, therefore, volunteer to recommend the expulsion of the Jesuits; but having been called upon to mediate for the purpose of putting an end to a civil war, it appeared to me that the retirement of the Jesuits, which we wished to be effected through the intervention of the Pope himself—it appeared to me that that retirement, by removing the cause, would make the effect also cease. Now, with regard to Tahiti — that remote island to which the hon. Member took his wild flight for the purpose of strengthening an argument in favour of a cause which he wished to support, but which he was afraid to justify—what had happened there? Why, in Tahiti, there was a barbarous, a profligate, and an ignorant population; and the English Protestant missionaries, with a courage and zeal which did honour to the religion they professed, and the nation from which they sprung—English Protestant missionaries, boldly facing the perils which naturally surrounded men who planted themselves among a horde of savages, went vigorously to work, and by their precepts and their good example converted those barbarous savages into what I am not afraid of calling, comparatively at least, civilised Christians. They established peace, order, virtue, and morality, in a land which had before been a scene of profligacy and vice. And then came the Catholic missionaries. Did those missionaries follow the example of the Protestants? Did they go to islands where the danger and difficulty of converting the heathen were to be encountered? No; they went to disturb the tranquillity of islands already pacified and converted; and instead of going to places where they might have been exposed to danger, and where a religious triumph worthy of Christianity might have been accomplished, they proceeded to disturb those peaceful people of Tahiti, for the purpose of turning Protestants into Roman Catholics, instead of turning heathens into Christians. Thus they endeavoured to disturb the social tranquillity of those islands. Now, I admit that the proceedings of the Tahitian Government, stimulated, perhaps, by our missionaries, exceeded the bounds of propriety and justice. But did they put those Roman Catholic missionaries into "comfortable" prisons? Did they treat those Roman Catholic missionaries as the Grand Duke of Tuscany has treated the Madiais and other persons who professed Protestantism? No, Sir; that which they did was to tell those missionaries, "We do not want you; we are already Christians; we do not need your instruction; pray go away." But they would not go away. There was a law in the island to compel them to go away; and all that was done was that they were expelled, not exterminated, from the island. Why, the Madiais would have been but too thankful if the Grand Duke had done the same thing by them. If the hon. Member would only persuade the Grand Duke to follow the example of the barbarous Queen of Tahiti, and expel the Madiais, I venture to say that they would present to him their most grateful thanks. The hon. Member has indulged in reproaches against Protestants for persecutions of Roman Catholics. An hon. Member, a Roman Catholic, sitting in this House, makes these reproaches, himself being an example how little these reproaches are deserved. I turn with pleasing relief to the speech of the hon. Member for Ennis (Mr. J. D. Fitzgerald), whose sentiments do honour to the religion which he professes — which I will designate as Christianity, casting aside Catholicism and Protestantism. The hon. Member for Meath (Mr. Lucas) calls on the Government to apply to a Government professing the same religion as ourselves; I recommend the hon. Member to follow the example of the hon. and learned Gentleman the Member for Ennis, a Gentleman who professes the same religion as he himself does.

MR. KINNAIRD said, that after the speech of the noble Lord the Member for the City of London, he would follow his suggestion, and ask leave to withdraw the Motion.

Motion, by leave, *withdrawn.*

COAL DUTIES (METROPOLIS.)

SIR JOHN SHELLEY said, he would now beg to nominate the Members of the Select Committee on Coal Duties.

MR. ALCOCK said, he wished the nomination of the Committee to be postponed for a week, in order that an opportunity might be afforded of ascertaining that all the interests concerned in the inquiry were fully represented. These coal duties operated with peculiar injustice on many of his constituents in Surrey. Take the case of Croydon, for instance; the inhabitants of which were called upon to pay some 3,000*l.* or 4,000*l.* a year to the City of London, for objects from which they obtained no benefit. In the days when coal was only brought to London by the river, of which the corporation were the conservators, there might be some reason for the tax, but it was utterly preposterous at the present day; and yet the City claimed the right of taxing an area of forty miles in diameter—extending over about 1,500 square miles. It was absolutely necessary that the inhabitants of this vast district should be more adequately represented on the Committee.

SIR BENJAMIN HALL hoped the hon. Gentleman would not persevere in his objection. Great difficulty had been experienced in constituting this Committee in a manner satisfactory to the Government and the City, and if the arrangement were now departed from, the whole subject might be postponed indefinitely. He thought those Gentlemen who took no part in opposing the clause introduced by the City in the last Coal Duties Bill, which had extended the area of those duties by fixing the limit to twenty miles in a straight line, instead of by the nearest road, had the less right to complain now. There were on the Committee, as now proposed, three Members to represent the City, three for the metropolis outside the City, three for the outlying districts; one for the coalowners in the north, and four for the general public; and, so far as he could see, it would be impossible to strike the Committee more fairly. It should be recollected, too, that the object of the Committee was not to consider whether the duties ought to be maintained —for, as they were already mortgaged for specific purposes, that they would have no power to do—but whether, under better management, those purposes might not be satisfied before the year 1862?

Mr. STUART WORTLEY also begged the hon. Member not to oppose the nomination, for the public mind was excited on the subject, and it was desirable the earliest investigation should take place into it. On the present occasion there was no difficuly in obtaining the Committee, for the City was anxious for the fullest inquiry, and he undertook that every information would be given by the officers of the corporation. As to the accusation against the corporation that they had extended the sphere of taxation by the insertion of the words to which the hon. Baronet alluded, it was utterly groundless. In the first Act it was provided the tax should be levied on all coals coming "within" twenty miles of London; and as the Judges had several times decided that this meant in a direct line, when the second Bill was introduced the corporation thought it only fair to insert the words "in a direct" line, to explain the construction placed by the Judges upon the former Act. He might add, that he was present at a consultation with Sir William Page Wood, at which not the slightest doubt existed but that the two Acts were the same in respect to the extent of their operation.

Sir BENJAMIN HALL replied, that the clause had had the effect of taking in a larger area than had been liable to the duty under previous Acts.

Mr. INGHAM said, he could not agree that the Committee was quite fairly constituted. In all his experience he had never seen a Committee in which the interest to be dealt with was not fully represented; but on the present occasion London and the surrounding districts had a full number of Members, while Newcastle had only one.

Mr. STUART WORTLEY said, that Sir James Duke was closely connected with the coal trade, and he would be on the Committee.

Motion *agreed to*.

The House adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Friday, February 18, 1853.

Minutes.] *Took the Oaths.*—The Lord Gardner.
Public Bills.—2ª Transfer of Aids; Valuation Act Amendment (Ireland).

LAW REFORM.

Lord BROUGHAM *presented* a petition from the Provost, Magistrates, and Town Council of Dunfermline and of Hamilton, for extending the jurisdiction of the Sheriffs Court (Scotland) to sums of 50*l.*; and from the Provost, Magistrates, and Town Council of Dunfermline, and from the Chairman, Vice-Chairman and Directors of the Dundee Chamber of Commerce, for inquiring into the Mercantile Laws of England and Scotland, with a view to their assimilation and amendment. The noble Lord said, that with respect to the latter, it was undoubtedly one of the most important subjects which could engage the attention of the Legislature. He wished to take this opportunity of correcting an error which, he had no doubt, had its origin in the difficulty of hearing occasionally in that House, and for which, certainly, he blamed no one, with respect to the Bill which he had introduced last night, and to which he was so fortunate as to obtain the sanction of their Lordships. (The Law of Evidence, Scotland, Bill.) It had gone forth that the Bill was to extend to Scotland Lord Denman's Act relating to the law of evidence; but that Act had, in truth, been extended to Scotland last Session. The object of the Bill in question was to extend his own Act of 1851 to Scotland; and the effect would be to assimilate the law of evidence in the two countries, and to enable the parties to a suit to be examined in their own cause. He believed his noble and learned Friend opposite, the Chief Justice, would bear him out, that that measure had been found to work satisfactorily in this country.

LORD CAMPBELL said, he had no difficulty in expressing his testimony to the great benefit which would arise from the extension of the Act mentioned by the noble and learned Lord to Scotland. His noble and learned Friend's Bill of 1851 had worked most admirably, and the best evidence of that was the concurrent testimony of the whole of the Fifteen Judges in its favour. At first it had not been so favoured, not from any unwillingness on the part of the Bench that our law should be improved, but because the Judges feared that great evil might arise from it. Now, however, having had actual experience of its working, they had seen reason to change their opinions. He might name especially Mr. Baron Parke, one of the most able jurists in this country, whose opinion at first was decidedly hostile to the change in the law, but who now was most earnest in its praise. He believed that the measure proposed by his noble and learned Friend would meet with the unanimous approbation of the Scotch people.

LORD BROUGHAM said, that with respect to the petition he had presented in reference to the Sheriffs Courts, the petitioners objected, that under the present system pursued in that country there were two judges to do that for which one only was required. Under this plan there were expenses incurred for large staffs of officers who were, in truth, not necessary. Thus, there were 30 non-resident officers, each having a salary of, at the average, 400*l.* a year, and 52 resident officers receiving, upon an average, the alike amount. What he (Lord Brougham) hoped to see was, the abolition of the non-resident class entirely, and, in the place of the present resident officials, others more equal to discharge those duties which an extension of their jurisdiction, which he trusted also to see, would cast upon them.

Petitions read, and ordered to lie on the table.

House adjourned to *Monday* next.

HOUSE OF COMMONS,

Friday, February 18, 1853.

MINUTES.] NEW MEMBER SWORN.—For Halifax, Right Hon. Sir Charles Wood, bt.

PUBLIC BILLS.—1° Oaths in Chancery.

2° Office of Examiner (Court of Chancery).

RELATIONS WITH FRANCE.

On the Order of the Day for the House to go into Committee of Supply,

MR. DISRAELI: Sir, I wish, before the House goes into Committee of Supply, to make some inquiries of Her Majesty's Government with respect to our relations with France. It is the most important subject of modern politics. We have now, Sir, for nearly forty years, had the blessing of peace between Great Britain and France. During that interval the social relations of the two countries have become various and multiplied. Our commercial transactions during that interval have gradually, progressively, and considerably increased; and at the right opportunity, and under favourable circumstances, no doubt, with enlightened legislation, those commercial transactions are susceptible of considerable and perhaps indefinite development. There are no two countries which may be esteemed first-class Powers between whom all questions of high policy are so identical. It is somewhat strange, when we have so many guarantees for a permanent good understanding between the two countries, so many securities for that peace which we desire—when the past, by the long interval of tranquillity that has occurred, proves that practically these are sources of security which are valid and efficient—it is extremely strange and startling that, under such circumstances, an idea should seem to have entered into almost every man's brain, and an expression into every man's mouth, that we are on the eve of a rupture with that country. I don't think it unreasonable, therefore, that, on going into Committee of Supply, when we are about to vote large sums to sustain the armaments of the country, I should make some inquiries of Her Majesty's Government on a subject of such absorbing interest, and offer a few remarks to the House with respect to it before they go into Committee. All must feel that on such a topic it is of the highest importance that no false opinion should take possession of the public mind; because in a free country opinion is one of the securities of peace, as it is also sometimes one of the causes of war; and it is by discussion, which is the life and soul of a society like ours, that we arrive at the truth on subjects which often, to the danger and peril of the community, become perplexed and obscure.

I know, Sir, there are persons in both countries—persons born and bred probably during the last great struggle—who are of opinion that there is a natural hostility between the French and the English nations. They are persons who may probably be placed in the same category with those who think, or used to think, that five per cent is the natural rate of interest. But at the same time they are persons influenced in many instances by very sincere and patriotic feelings, and their opinions, though they may be inveterate prejudices, are not to be despised at a conjuncture like the present. I know, Sir, that to persons influenced by such a conviction, it is in vain to appeal by any of those economical considerations which are often mentioned in the present day. I know it is in vain to impress on them that, in an age favourable to industry, ancient and civilised communities are diverted from thoughts of war. I know it is in vain to appeal to the higher impulse of that philanthropy which many of us believe in such communities, in societies under such conditions of great antiquity and advanced civilisation, to be mitigating the heart of nations. But, Sir, I think it right to appeal to stern facts, which cannot be disputed—to the past conduct of men, which, according to the theories of these individuals, is the best test of what their future behaviour will be; and I must say I do not see that the history of the past justifies the too prevalent opinion that between England and France there is a natural rivalry and hostility. I know very well, Sir, that if you go back to ancient history—or rather to the ancient history of the two countries—that you may appeal to Cressy and Poictiers, and to Agincourt, and believe there has always been a struggle between the two countries, and that that struggle has always redounded to the glory of England. But it should be remembered that these were not wars so much between France and England as between the King of France and the King of England as a French prince—that the latter was fighting for his provinces of Picardy or Aquitaine—and that, in fact, it was not a struggle between the two nations. I take it for granted that, in considering this point, our history need not go back to a more distant period than to that happy hour when the keys of Calais were fortunately delivered over for ever to the care of a French monarch; and, when we take that view, which is the real point of our modern history, as one that should guide us on this subject, we shall observe that the most sagacious Sovereigns and the most eminent statesmen of England, almost without exception, have held that the French alliance, or a cordial understanding with the French nation, should be the corner-stone of our diplomatic system and the key-note of our foreign policy. No one can deny that both Queen Elizabeth and the Lord Protector looked to that alliance as the basis of their foreign connexions. No one can deny that there was one subject on which even the brilliant Bolingbroke and the sagacious Walpole agreed—and that was the great importance of cultivating an alliance or good understanding with France. At a later date, the most eminent of the statesmen of this century, Mr. Pitt, formed his system on this principle, and entered public life to establish a policy which, both for political considerations and commercial objects, mainly depended on an alliance and good understanding with the French nation. And, therefore, Sir, it is not true that there has been at all times, or at most times, a want of sympathy in England with the French people; but, on the contrary, the reverse is the truth; and the alliance and good understanding that has prevailed between us have, in my opinion, been a source of great advantage to both countries, and has advanced the civilisation of Europe. Even what has occurred in our time proves, I think, the truth that the natural tendency of the influences that regulate both countries is to peace; because the fact that, after such extraordinary events as the European revolutions at the end of the last and beginning of this century, the great struggle that occurred, and the great characters that figured in it—the fact that all should terminate in a peace of so permanent a character as that which has prevailed, proves the tendency of all those causes which influence the conduct of both nations, and which lead to peace, from a conviction of its advantage to both countries. I will not, therefore, dwell further upon this point, except to express my protest against the dogma which, I am sorry to see, has been revived of late, not merely in England, although it is too prevalent in this country, that there is a feeling of natural hostility between the nations of Great Britain and France.

Sir, there are undoubtedly more novel and more important causes to which may be imputed the present unfortunate opinion that is prevalent on the subject of our relations with France; and the first, and the most important unquestionably, may be found in the increase of the armaments of this country. There are many who say whatever may be the assertions of statesmen, whatever may be the public declarations of persons in authority, whatever may be the judgment formed by sensible and unimpassioned men of the circumstances of the hour, no one can deny the stern conclusion that the Government of this country feels the responsibility devolving upon it of increasing its armaments; and with what object can it be increasing its armaments unless it is from a fear of some imminent and impending danger from a foreign foe, and, if from a foreign foe, of course the nearest and the most warlike of those that can be our enemies? Now, Sir, there is a great deal very plausible on the face of this position; nevertheless the real truth is, that there is not in the circumstance of those armaments the slightest foundation for the belief that they have been occasioned by recent transactions in France, or by the appearance of any particular characters who have taken a leading part in the transactions of that country. The origin of the increase of our armaments for the defence of this country is of a date much more remote than the incidents which are appealed to as the cause of those increased armaments. The origin of increasing and completing the defences of this country finds itself in those great changes which have occurred in most of the affairs of life, which have principally been occasioned by the application of science to the business of life, and which application of science has not, among many circumstances and subjects, spared the art of war. Those who from their position were responsible for the defence of this country, who from their character and their talents were best calculated to observe the great changes that in this respect were occurring, long and many years ago called the attention of the Executive Government of this country to that important subject. But we all know, especially in free and popular communities, that the few are sensible of the necessity of change before the multitude are convinced of that necessity, and that it is extremely difficult to bring the great body of a community to agree to a change, of the necessity of which they are not convinced. And the Government of this country many years ago attempted to adapt the position of the country, with respect to its means of defence, more to the present resources for that object which now prevail; but they found, of course, extreme difficulty in obtaining the assistance of the House of Commons for this object, when increased expenditure was a necessary condition of the change; and therefore for a long time the efforts were few and feeble, although the convictions of the Cabinet of the day were deep and earnest upon the subject. Well, Sir, there then happened, some ten years ago, during the Government of Sir Robert Peel, a very unexpected incident, that startled even the two nations themselves at the possibility of a war occurring between the two countries. The cause was almost a contemptible cause when we think of the stake at issue; but there is no doubt, without now inquiring into the peculiar circumstances which brought the crisis to such a fine position, that for a short time the possibility of war between England and France was not entirely out of question. Well, Sir, the Government of that day—ten years ago—took advantage, of course, of the public mind being somewhat startled and alarmed upon the subject, and endeavoured, even when the immediate danger had passed, to lead the public mind to the consideration of the important question which never slept in the Councils of the Cabinet; and there were some efforts, and not contemptible efforts, by the Government of Sir Robert Peel at least, to commence a new system with regard to the public defences of the country. The people of this country learnt for the first time that a great revolution had occurred in the art of war, that that revolution had deprived them of their ancient and, as it were, natural sources of defence, and they began generally to entertain the idea that they must adopt other means for their defence. So far the question advanced; but, as the fulfilment of what was necessary was, of course, attended with large and increased expenditure, and as there was a natural objection always to increasing our expenditure for the sake of armaments, in the House of Commons, the question, though it became, so far as the country was concerned, from that time a question that never entirely slept, yet advanced but slowly—there was controversy still whether the country was sufficiently defended or not, whether the ancient means were so completely superseded as they were represented to be—there still was a lingering superstition in reference to "the wooden walls of Old England." Suddenly we had a series of revolutions on the Continent, a period of great alarm and of great disturbance. The people of this country were at last convinced that the dream of perpetual tranquillity and of continual improvement might be closed. That was a time when again an opportunity was offered to the Government of the day to lead the popular opinion in the direction which it wished, so far as the defence of the country was concerned. The words of one of the greatest of our men were then prevalent round every hearth, and public opinion at last assumed the form of an earnest desire to complete the defences of the country. I have no doubt, Sir, that whatever Government existed, they would loyally and completely have fulfilled that which was necessary to be done. It fell to the lot of the late Government to meet the requirements in this respect of England. I claim no merit for the late Government more than that to which they are fairly entitled in having earnestly endeavoured in this respect to do their duty. When they acceded to office the question of the national defences was ripe. No doubt, if the Government of the noble Lord (Lord John Russell) had continued in office, they would have done all that was required; it fell to us, however, to fulfil that duty, and briefly I would place before the House what we did in that respect. During the time that we were responsible for the administration of affairs with regard to the national defences, we established a militia upon a popular principle—a principle which at the time was much derided, but which, notwithstanding the opposition that we received, we adhered to, and which has succeeded in producing a body that commands, so far as a new force of that character can, the confidence, and, I may say, the respect of the country. Sir, we secondly placed the artillery of the country—that important arm—in an efficient state. Thirdly, we introduced measures, or we prepared arrangements, which would have completely, and will completely, fortify the arsenals of the country, and some important posts upon the coast. Fourthly, we increased our Navy by a proposition which, when carried into effect, will add to it 5,000 sailors and 1,500 marines; and, fifthly, we made arrangements which I have no doubt will be well completed by our successors, which would have established, or rather will establish, the national garrison in the form of a Channel fleet, an efficient Channel fleet of fifteen or sixteen sail of the line, with an adequate number of frigates and smaller vessels, and which, when those plans are completed—and I trust they will be speedily completed—will allow a Channel fleet of that force to rendezvous at a very short notice from three or four ports. Into that fleet will be introduced all those modern improvements of scientific machinery which now are available. These, Sir, were the plans which we thought it our duty to submit to the approbation of Parliament, and which received the approbation of Parliament—plans which, in our opinion, when completed, will fulfil all that is necessary for the defence of the country. I was very glad to hear from the noble Lord the Secretary of State on the first night of our meeting, that Her Majesty's Ministers do not propose any increase of the Army. That was a subject which we felt it our duty well to consider, and it certainly was our opinion that no such increase was necessary. I have noticed these points in some detail, because it must be remembered that one of the principal grounds for believing that the friendly relations of France and England are about to be broken, is the increase of the armaments of this country. Myself, however humbly, in a certain degree responsible for that increase, I wish to take this opportunity of pointing out the fallacy of that conclusion. Whoever might sit upon the throne of France, whether it be a Bourbon or a Bonaparte, whatever might have been the form of government, however disturbed or however tranquil the state of Europe, those who were responsible for the administration of affairs in this country—I care not from what party or from what section they might be selected—would sooner or later have felt it their duty to place the country in a state of defence; that duty arising from the great change which has taken place in the art of war, and the means by which offensive or defensive operations are now conducted. In the circumstance, therefore, that England has increased its armaments for self-defence, I find no reason for a moment to think that there is any authority for the too prevalent belief to which I have alluded.

Sir, there is one other cause, also of a novel character, which has been alleged—which is daily alleged—for the belief in this impending rupture, and which no doubt is extremely prevalent and influential; and that is the troubled state of France during latter years—troubles which have terminated in the revival of what I think is fallaciously styled a military dynasty. Now, there can be no doubt that the founder of the dynasty that now prevails in France was one of the greatest conquerors not only of modern, but of all ages; but it does not follow—and history, indeed, contradicts the position—that the descendants of a conqueror are necessarily his rivals. Generally speaking, those who follow a conqueror are inclined to peaceable pursuits; and when we find that the present Emperor of the French, who in a certain sense must be said to owe his throne to his connexion with a great conqueror, is not even by profession a military man, we find a circumstance which rather enforces the truth of the observation that I have made. But then it is said that there is in France a military Government, and that that country is at this moment regulated by the army. But there is a great error also, I apprehend, if history is to guide us, in assuming that, because a country is governed by an army, that army must be extremely anxious to conquer other countries. When armies are anxious for conquest, it is because their position at home is uneasy, because their authority is not recognised, and because their power is not felt. It is the army returning from conquest that attempts to obtain supreme power in the State; but if an army finds that it does possess supreme power, you very rarely find that restless desire for foreign aggression which is supposed to be the inevitable characteristic of a military force. Now, there is one remarkable characteristic of the present military Government in France, that that Government has not been occasioned by the ambition of the army, but by the solicitation of classes of civilians, of large bodies of the industrial population, who, frightened, whether rightly or wrongly, by a state of disturbance, and as they supposed, of menacing anarchy, turned to the only disciplined body at command which they thought could secure order. I am led, therefore, to the belief that in the circumstance that there is a dynasty founded by a conqueror, but which is not a warlike dynasty, and that France is governed by the army, not in consequence of the military ambition of the troops, but in consequence of the disquietude of the citizens—there is no reason for that great anxiety which is now prevalent.

I know, Sir, there is another cause, notwithstanding, which may occasion extreme embarrassment and dispute. Although I think I have shown to the House —if that were indeed necessary—that the increase of our armaments has not been occasioned by anything but the inevitable necessity of placing this country in a state of safety and defence, and not by any changes in foreign countries, and although I hope I have shown the House some cause to believe that the state of affairs in France does not necessarily, as some suppose, lead to military aggression, yet, Sir, I admit that there are reasons at this moment which should make men uneasy, and that there are causes of misconception between the two nations which cannot be watched too narrowly, and which, if neglected, may lead to disastrous consequences; and I proceed now to advert to them. There is no doubt that there is a considerable prejudice in this country against the present ruler of France—I say it without reserve—for two reasons. It is understood that in acceding to power he has terminated what we esteem a Parliamentary constitution, and that he has abrogated the liberty of the press. I wish to put the case—I think it best to put the case as fairly as I can before the House, as the object of these observations is to put an end to what I think, what I hope, is a very mistaken feeling, and to elicit from Her Majesty's Government explanations which I trust will substantiate that belief on my side. I have no doubt—we know—there is a prejudice against the present ruler of France on these two grounds. It is unnecessary for me to say that it is not probable I shall ever say or do anything which would tend to depreciate the influence or to diminish the power of Parliament or the press. My greatest honour is to be a Member of this House, in which all my thoughts and feelings are concentred; and as for the press, I am myself a "gentleman of the press," and bear no other scutcheon. I know well the circumstances under which we have obtained in this country the invaluable blessing of a free press. It is only a century and a half ago since we got rid of the censorship; and when we had got rid of the censorship we had a law of libel, which, for nearly a century, rendered that freedom of that press a most perilous privilege. Until Mr. Fox's great Act upon the law of libel, no public writer could have been said to be safe in this country. I mention that to remind the House how very recent is the date of our real enjoyment of the press in this country, because we are mainly indebted to Mr. Fox for that great privilege; and the House will recollect that during the interval—not a very long interval, little more than half a century—that liberty of the press has been often modified, often interfered with, by British Ministers; and that modification and that interference have always been sanctioned by British Parliaments. I hope we live in happier times than those which preceded us in that respect. I hope we have arrived at a conclusion in this country that, if the press is free, it should enjoy a complete freedom; that the best protection against the excesses of the press is the spirit of discussion, which is the principle upon which our society at present depends; and I think that all parties in this country have come to the conclusion that the liberty of the press is the most valuable of our public privileges, because, in fact, it secures and guarantees the enjoyment of all the rest; but, at the same time, it is always advisable, when we make observations on the conduct of foreign nations, that we should be perfectly satisfied that the circumstances in those countries to which we are applying the opinions prevalent in our own, are identical with the circumstances in which we ourselves are placed. Now, Sir, with all my love of the liberty of the press, with all my confidence that we have arrived at a state of society in England which will prevent any Minister at any time ever again attempting to interfere with that liberty of the press, I am still conscious that we enjoy it in this country on certain conditions which do not, in my opinion, prevail in other countries; namely, of a long-established order, a habit of freedom of discussion, and, above all, an absence of all those circumstances and of all those causes, many of which are disturbing society in other countries. Now, I will take a case as an example. Suppose that in England at this moment we had the greatest of all political evils—let us suppose that, instead of our happy settlement, we had a disputed succession? Let us suppose that we had a young Charles Stuart, for example, at this moment at Breda, or a young Oliver Cromwell at Bordeaux, publishing their manifestoes and sending their missives to powerful parties of their adherents in this country. We may even suppose other contingencies. Let us suppose that we had had, in the course of a few years, great revolutions in this country—that the form of our government had been changed—that our free and famous monarchy had been subverted, and that a centralised republic had been established by an energetic minority—that that minority had been insupportable, and that the army had been called in by the people generally to guard them from the excesses which they had experienced. Do you think that, under any of these circumstances, you would be quite sure of enjoying the same liberty of the press which you enjoy at this moment? Do you think that in the midst of revolutions, with a disputed succession, secret societies, and military rule, you would be quite certain of having your newspaper at your breakfast table every morning? Sir, these are considerations which ought to guide us when we are giving an opinion upon the conduct of rulers of other nations. There is no doubt the circumstance that the present ruler of France has stopped that liberty of the press which we so much prize, has occasioned great odium against him in this country, and has arrayed the feelings of the powerful press of England against the French Government. I myself speak upon this subject with no other feeling towards the Emperor of the French than that feeling of respect which we ought all to entertain for any Sovereign whom Her Gracious Majesty has recognised and admitted into the fraternity of monarchs. I am not ashamed or afraid to say that I, for one, deplore what has occurred, and sympathise with the fallen. Some years ago I had occasion frequently to visit France. I found that country then under the mild sway of a constitutional monarch—of a prince who, from temper as well as from policy, was humane and beneficent. I know, Sir, that at that time the press was free. I know that at that time the Parliament of France was in existence, and distinguished by its eloquence and by a dialectic power that probably even this, our own House of Commons, has never surpassed. I know that under these circumstances France arrived at a pitch of material prosperity which it had never before reached. I know also that, after a reign of unbroken prosperity of long duration, when he was aged, when he was in sorrow, and when he was suffering under overwhelming indisposition, this same prince was rudely expelled from his capital, and was denounced as a poltroon by all the journals of England because he did not command his troops to fire upon his people. Well, Sir, other Powers and other Princes have since occupied his seat, who have asserted their authority in a very different way, and are denounced by the same organs as tyrants because they did order their troops to fire upon the people. I said, Sir, that I deplore the past and sympathise with the fallen. I think every man has a right to have his feelings upon these subjects; but what is the moral I presume to draw from these circumstances? It is this—that it is extremely difficult to form an opinion upon French politics; and that so long as the French people are exact in their commercial transactions, and friendly in their political relations, it is just as well that we should not interfere with their management of their domestic concerns. [*Loud cheers.*] I am glad to find that the House is of the opinion which I have ventured to express upon this important subject. I do not say that it is not perfectly the privilege of the English press, or of any foreign press, to make any observations they may please upon the conduct of foreign rulers, and upon the conduct of foreign nations. It is an affair of discretion; it is an affair of public wisdom. Our constitution has intrusted the writers in public journals with the privilege of expressing their opinions; they have a very responsible position; they must consider what is the tendency, and what may be the consequences, of their acts; they have a right, however, to act, and no British Minister, and no foreign Potentate, can question the power which they exercise.

Well, Sir, what was the feeling of the Government of the noble Lord opposite (Lord John Russell) upon the subject to which I am alluding? It is important to know what was the feeling, and what were the opinions, of the noble Lord when he himself was at the head of the Government. It is a pleasure to turn to *Hansard*, not to twit and taunt an hon. Gentleman with some quotation which may impugn his consistency, but to refer to a statement of views becoming a person filling the noble Lord's exalted position, and expressed with all that propriety and terseness of language which distinguish him. This was the declaration of the noble Lord in 1852, about a year ago, almost immediately before he quitted office. These expressions were delivered in another Parliament; there are many Gentlemen present who did not listen to them; they are peculiarly apposite to the present moment. An acquaintance with the opinions of a great Minister at such a period must be interesting to all, and therefore I shall make no excuse for bringing before the House the views which the noble Lord then professed, and which I most sincerely believe he now entertains. "This, however," said the noble Lord, on the 3rd of February, 1852—

"I am bound to say, that the President of France, with the large means of information which he possesses, has no doubt taken that course from a consideration of the state of the country, and that the course which he has taken is that best fitted to secure the welfare of the country over which he rules. Let me restate what I have said upon this subject."

The House will observe that the noble Lord spoke with perfect calmness. It was not a speech in reply. It was a speech delivered on the first night of the Session. It was a statement well matured and voluntarily made, and, that he may not be mistaken, the noble Lord begs permission of the House to give a summary of his views, and to restate them. "Let me restate," said the noble Lord, "what I have said upon this subject—

"I stated I could not give my approbation to the conduct of the President; but I have no reason to doubt, and everything which I have heard confirms that opinion, that in the opinion of the President of France the three things which I have mentioned—namely, putting an end to the French constitution, preventing the elections of 1852, and the abolition of the Parliamentary constitution, were all measures conducive, and perhaps essential to the welfare of France. But I have something to state further, because I confess that I have seen with very great regret the language which has been used by some portion of the press of this country with respect to the President of France and the affairs of that country. I remember something as a boy, and I have read more, of that which occurred during the peace of Amiens, which rendered that peace of so short a duration, and which involved these two great nations in the most bloody hostilities which ever mangled the face of Europe. I believe that temperate discussion, temperate negotiation between the two countries, might have averted the calamity of war with England, but that the language of the press at that time was such as greatly to embitter all negotiation, and to prevent the continuance of that peace. Sir, I should deeply regret if the press of this country at the present time were to take a similar course. We have indeed the great advantage over the time to which I refer, which is, that the First Consul of France, great as were his abilities, was totally ignorant of the means and of the constitution of this country; the present President of France has that advantage over his uncle, that he is perfectly aware how much liberty —nay, how much licence of discussion prevails in this country, and that the fiercest and most unmeasured invectives of the press do not imply any feeling of hostility either on the part of the Government or on the part of the nation. I am convinced of this, that there never was a time in which it was more essential that these two great countries should preserve relations of peace and amity with each other. There never was a time when the peace of Europe would more contribute to the cause of civilisation and happiness. I am convinced also, from every assurance that I have had, that the ruler of France, the present President of that country, is desirous of keeping upon those terms of amity with this country; and it shall never be any fault of ours, while connected with the Government of the country, if those terms of peace and amity are not continued unimpaired. I have said this more especially because it certainly will be our duty, as has been intimated in Her Majesty's Speech, to propose some increase in the estimates of the present year. When the proper time comes—when the measures are submitted—it will be shown, I trust to the satisfaction of the House, that those measures do not increase the armament of the country, and are, in fact, nothing more than what every nation on the Continent, and even the United States, think it necessary to take for their own national defence. It is impossible not to see that with the great changes which have taken place in the world, that, with the other arts, the art of war has also greatly improved, and that it was necessary, even in the case of possibility of war, that we should not be without those means of defence which that improved art of war has provided. But really, to hear or read some of the letters—some of the language used by some portions of the press, one would imagine that these two great nations, so wealthy, so similar in enlightenment, were going to butcher one another merely to try what would be the effect of percussion shells and needle guns. That feeling is, I am confident, but partial and limited, for I am convinced that the solid and deliberate opinions of this country is in favour of the continuance of the most permanent and solid peace, and which I think is the greatest blessing which the nations of Europe can enjoy."—[3 *Hansard*, cxix. 100.]

I preferred, instead of giving my own representations of what the noble Lord said, appealing to his own terse and perspicuous language. Sounder sentiments, more clearly expressed, I have never listened to; and I beg the House to understand why I am pressing this important declaration upon their attention at this moment. It is, because this is the speech of the noble Lord when he was at the head of a Government, and I am anxious to ascertain to-night whether his opinions since he has taken a distinguished, but subordinate, part in a Government headed by another, may be modified, and whether we may count upon a unanimous similarity of opinion on the part of his Colleagues. There can be no doubt upon the subject of our relations with France:- at the beginning of 1852 there was a perfect unison of opinion between the noble Lord and his then Colleagues, because in the other House the country was favoured on the same night with a declaration of opinion on this important subject, made by another person, who was for a long time a Member of this House and of Her Majesty's Government, but who no longer occupies either of those positions—a noble Lord who, whatever may be the difference of our political opinions, for his great abilities, his great capacity for public labour, and his unimpeachable integrity, will always in this House be mentioned and remembered with honour—I mean my Lord Grey. I will not apologise to the House for reading an extract—it is the last I shall read—from the speech of Lord Grey, because I am sure that on this important occasion, when it is of the utmost advantage that accurate ideas upon this subject should prevail, the House will be glad to learn what Lord Grey, who cannot be doubted as a lover of public liberty, thought of the situation of France a year ago, for it may be a very efficient guide to us as to his opinions of the state of France at this moment. Lord Grey said—

"I have the pleasure of being able to express my unqualified concurrence in, I believe, every word which the noble Earl who preceded me (the Earl of Derby) uttered. I entirely agree with him as to its being the duty of this country, as a country and a nation, and the duty of each individual in his individual capacity, to abstain from any interference in the internal politics of that great and powerful nation which lies so near to us. I, like the noble Lord, observe with the deepest concern, and, I may say, with the indignation which the noble Earl has expressed, the tone which has been taken by a large portion of the newspaper press of this country. I think that the denunciation of the person at the head of the Government of France, coupled with those more than exaggerated—I will say, untrue—representations of the defenceless condition of this country, do not only savour of imprudence, but of something worse than imprudence; and I rejoice that the noble Earl, in the position which he occupies, has come forward to assert, in the emphatic manner in which it has been done, his utter repudiation of language such as I have described. And I do trust that when, with the full assurance that I have the concurrence of my Colleagues, I join in that repudiation, and when I am convinced every one of your Lordships will echo the same sentiment, I do believe and hope that the mischief, the incalculable evil, which might otherwise have resulted from language thus held by a great part of the newspaper press of this country, will to a great extent be neutralised, and that it will be understood in foreign countries that, however those newspapers may express the opinions and the feelings of those who write in them, they do not express the opinions or the feelings of any great and powerful party in this country, or in the Houses of Parliament."—[3 *Hansard*, cxix. 40.]

Now, the House will observe that Lord Grey, on that occasion, entirely coincided in opinion with the noble Lord who was then at the head of Her Majesty's Government in this House. I think it will be observed that, on that occasion Lord Grey answered for the complete agreement of his Colleagues as to the evil, not of public characters, but of anonymous writers in the press, denouncing the ruler of France. We are clear, therefore, that on that occasion the whole of the Colleagues of the noble Lord in his Government were of opinion that, however lawful and legitimate the criticisms and strictures of the press of England might be, these denunciations of the Emperor of the French were seriously to be deprecated; and that there was a most anxious desire and determination on the part of the noble Lord and his Government to maintain between this country and France the most friendly relations. Well, Sir, that was the state of affairs between the two countries a year ago. Perhaps I may be permitted to say, that during the period that we occupied office nothing took place that at all impaired that cordial understanding between the two countries which I may say we inherited from our predecessors. I know well, Sir, that there are some gentlemen—some in this House—who, though they may highly esteem a friendly understanding between this country and other Powers, are apt to speak in a tone of great disparagement of the duties and the influence of diplomacy, and do not attribute to such intimate connexion any great, or permanent, or advantageous influence on the general course of human events. I can only say, Sir—I feel it my duty to say—that during the period, however brief, in which we occupied a responsible position as regards the Administration of this country, we found a cordial understanding with France to be of great advantage to the welfare of the world—that on several occasions we found that cordial understanding coming to our aid to maintain peace, to advance civilisation, and to promote the general welfare of mankind. I do not wish to take refuge in vague declamation; but of course upon such a subject I am bound to exercise considerable reserve. I shall not now pretend to give to the House a catalogue of all the instances in which we found the advantage of that cordial understanding and sincere co-operation on the part of France; but I noted down last night some instances which I think I am justified in stating to the House, and I shall place them before you with the conviction that, when unbiased and unprejudiced persons consider the transactions to which they refer, and the brief interval in which all these transactions—which are only a part of the transactions that did occur—took place, they will see the great importance of the considerations that I am endeavouring now to impress upon them. Let me then mention some instances, to which I can without impropriety allude, in which during the time that we occupied office we found the advantage of having a cordial understanding with our neighbours. There was a misunderstanding between France and Switzerland on a subject which disquieted Europe, and which many supposed at one moment might greatly disturb the peaceful relations of the world. Our advice was accepted in that case. Our good offices were tendered and accepted, and that cloud was completely dispelled. Take another case—the case in which France joined with us in the negotiation for the opening of the South American rivers. That was an operation tending to increase the commercial relations of the world, and to advance that cause of progress which all are so anxious to foster. Then there was the case of Prussia and Neufchatel, when a violent course might have been anticipated on the part of Prussia against Neufchatel; but the united representations of France and England, made in the most friendly spirit to the enlightened monarch who governs Prussia, led to the happy termination of that affair. A fourth instance is one in which France joined with us in pressing upon the United States the tripartite renunciation of Cuba. It is true we did not succeed in the immediate object of that interference; but the moral effect of the step has been very considerable, and at least indicated, on the part of France, a total absence of that anxiety to keep alive subjects and opportunities of public embroilment which has been so liberally imputed to her. We succeeded, also, in cordial union with France, in preventing the war which was about to break out in Hayti. But I will take another case—because it is greatly to the reputation and honour of France—I am not forgetting, I assure the House, a proper reserve in alluding to these subjects; I will take the case when the peaceful relations of the Levant were threatened last year, with regard to the *tanzimat* in Egypt, which was instituted last year by the Sultan of Turkey. We had entirely failed diplomatically in inducing the Sultan to modify that *tanzimat*. Now, although it has always been the traditional policy of France to encourage the independent conduct of the Pacha of Egypt, and not to be too apt to aid in terminating disputes between that Prince and the Porte; yet when affairs assumed an aspect which seemed to threaten a disturbance in the Levant, we appealed to the cordial feeling of France; she joined with us, and, by our united influence, the *tanzimat* was modified, and the question in dispute was amicably arranged. I might state another instance. I might appeal to the conduct of France in reference to the revision of the Greek Succession Treaty, which secured to the Greeks the fulfilment of their constitutional law. I might also appeal to the conduct of France and to her cordial co-operation with England, though against some of her apparent interests, in preventing the disturbances which threatened the new regency of Tunis. I have stated eight instances in which the cordial union of France assisted us in preventing great evils, not only to this country, but to the world generally; but remember that during all this time, while all this was taking place, much to the credit of the noble Lord who then presided over the Foreign Office (the Earl of Malmesbury), and who has had such scanty justice done him, but to whose indefatigable application and determined energy this country is much indebted—remember that all this time, while the French Government were quietly, tranquilly, and diplomatically, working with our Government for these great objects of public benefit and advantage—that French Government was painted as corsairs and banditti, watching to attack our coasts without the slightest provocation and without the slightest warning. Well, then, I have shown that the cordial understanding between England and France was the great principle, so far as our foreign policy was concerned, of the Government of the noble Lord opposite, and of the Government of Lord Derby. I doubt not, especially considering the much more protracted term of the noble Lord's Government, he experienced from that cordial understanding far greater benefits than even the Government of Lord Derby; but we shall always remember that the conduct of France, while we were in office, was conduct which entitled that nation to the respect, sympathy, and good feeling of the people of this country.

Now, Sir, in the portion of the speech of the noble Lord opposite, which I just read, the House perhaps noticed one of those fine observations which often distinguish the remarks of the noble Lord. The noble Lord pointed out to the House the advantage which the Emperor of the French has over his illustrious relative, in the fact that, instead of being ignorant of the laws and constitution of this country, he, from long residence here, is familiar with our language, our habits, and our customs. No doubt, Sir, that is a most beneficial circumstance in the position of the present Emperor of the French; he has lived long in England, he has known English society in various classes, his education has not been deficient in the most important element, adversity, and it is not likely that he would misconceive, however much he might be annoyed at, the character of the English press. No doubt, the present Emperor of the French must have been perfectly aware that the attacks of the press on him were attacks for which neither the Government nor the nation, as a nation, is responsible; and if he has—as I should suppose it is pretty well known that he has, both from official notification and other sources—expressed indignation and annoyance at those attacks, it must have been because he was of opinion that when they became known to his subjects at home, the latter might not form of the circumstances so accurate an opinion as himself. It is, indeed, not likely, when those attacks are made on his country, his subjects and himself, that those who read them abroad could comprehend—what few but Englishmen can comprehend—the exact relations between the readers and writers of public journals in this country. Therefore, I am not surprised that he felt alarm and indignation at these attacks, though I agree with the noble Lord, that a person who had resided so long in England as the present Emperor of France, could not for a moment misconceive the authority of the statements in question. Bearing that in mind, I ask the House to permit me to pursue my inquiry, and ask what is the feeling of the present Government, of which the noble Lord the Member for the City of London is a Member, on the subject of the relations between England and France? We know well what were the feelings of the Government of the noble Lord on this subject when the noble Lord was at the head of the Administration, and we also know well, both from the statement I have made, and from the reference to past transactions which I have offered to the House, what were the feelings of Lord Derby and his Colleagues on this important matter. But I now wish to ascertain—for, after all, that is the most important question—what upon this subject are the views, opinions, and sentiments of the Government of my Lord Aberdeen? Sir, soon after the formation of that Government, a declaration of opinion on this subject was made by one of its most eminent Members, the First Lord of the Admiralty. The First Lord of the Admiralty, a most experienced statesman, found himself, by his acceptance of office, and by a return to those councils he had previously adorned, in one of the most responsible positions in which an English Minister at the formation of a Government can find himself—upon the hustings, before his constituents, in the face of the whole country, with the people watching for the expression of his opinions, in order that they might form some idea of the policy of the new Government, and, I may say, with the whole of Europe, not less anxious as to the result, listening to him. What, then, was the statement of the right hon. Gentleman with respect to the state of affairs in France? The right hon. Gentleman described the ruler of France, and he also described those whom he ruled, in one of those pithy sentences which no one prepares with more due elaboration. In the same sentence the right hon. Gentleman contrived to give the character not only of the Emperor of the French, but of the French themselves. He described the Emperor of the French as a despot who had trampled on the rights and liberties of forty millions of men. [*Loud cheers.*] Nothing demonstrates the evil of making such declarations more than hearing them cheered in the manner the House has just witnessed. Well, according to the right hon. Gentleman, one of the most distinguished Members of the Cabinet of Lord Aberdeen—which Cabinet, we hoped, was to maintain that cordial understanding with France which was the cardinal point of the policy of the Government of the noble Lord opposite and of the Government of Lord Derby—the present ruler of France is a despot, who has trampled on the rights and liberties of forty millions of human beings. Therefore the French people, according to the right hon. Gentleman, are a nation of slaves; and a despot and slaves are those with whom we are to have a cordial understanding, in order to prevent those dangers and to secure those blessings which, by a reference to those proceedings which I have already detailed, are the consequences of having a cordial understanding with France. Well, if I had to form an opinion of the policy of the Cabinet from the first declaration made by so eminent a Member of it as the First Lord of the Admiralty, I should certainly be induced to suppose that some great change was about to occur. How are we to account for such a declaration? I will not be so impertinent as to suppose it was an indiscretion. An indiscretion from "All the talents?"—impossible! Can it, then, be design? I will not misrepresent the right hon. Gentleman—I will not commit the mistake I made the other day. I understand from what the noble Lord opposite then stated that you may call the French slaves if you are speaking illustratively of politics in general; but you must not call the Emperor of France a tyrant, or his subjects slaves, if you are formally treating of the foreign relations of the country. Now, I frankly admit that the right hon. Gentleman was not treating of the foreign relations of the country; he was only offering arguments against extended suffrage and vote by ballot—arguments, by the way, which I trust have had a due influence on the mind of the President of the Board of Works (Sir William Molesworth). The right hon. Gentleman made some significant observations on the subject. I do not allude to his promise of obtaining a large measure of Parliamentary reform, because on the hustings there must be allowed some licence on such subjects, though there can be no doubt that whatever liberties you may take with your constituents, a Councillor of Her Majesty ought at least to be careful when he speaks of a foreign Potentate. I must therefore assume, until in the pursuit of my investigation I can arrive at a different conclusion, I must assume for the moment that this was a declaration made without design. The present Government tell us that they have no principles—at least not at present. Some people are uncharitable enough to suppose that they have not got a party; but, in Heaven's name, why are they Ministers, if they have not got discretion? That is the great quality on which I had thought this Cabinet was established. Vast experience, administrative adroitness—safe men, who never would blunder—men who might not only take the Government without a principle and without a party, but to whom the country ought to be grateful for taking it under such circumstances; yet, at the very first outset, we find one of the most experienced of these eminent statesmen acting in the teeth of the declarations of the noble Lord opposite, and of Lord Grey, made in 1852; and holding up to public scorn and indignation the ruler and the people, a good and cordial understanding with whom are the cardinal points of all sound statesmanship.

Well, Sir, another Minister has also given his opinion on the politics of France. Parliament had not resumed its sittings before two of these experienced men had expressed publicly sentiments which startled the country, which alarmed Europe, and which were apologised for, in one instance, by the noble Lord opposite. I am not going now to say a single word on the observations of the President of the Board of Control (Sir Charles Wood) as regards their offensive character to the Emperor of the French. The right hon. Gentleman has explained in a letter that he may have said unpremeditatedly that the Emperor of the French "gagged the press of France, that he gagged the press of Brussels, and that he hates our press because it speaks the truth, and he cannot gag it;" but still he did not mean to say anything at all offensive to the Emperor. I know the right hon. Gentleman is in the habit of saying very offensive things without meaning it. I know he has outraged the feelings of many individuals without the slightest intention of doing so; and, therefore, in reference to so peculiar an organisation, I can only say that that is a very awkward accomplishment. But this speech at Halifax, in which the discreet President of the Board of Control followed the experienced First Lord of the Admiralty with a wonderful harmony of conduct and sympathy of sentiment, contained far more important allegations than the personal words to which the letter of the right hon. President of the Board of Control referred the other day. What does the right hon. Gentleman mean by the press of Belgium being gagged? I do not know whether hon. Gentlemen opposite are aware of the position of Belgium; whether they know that it is an independent country, governed by one whom I may fairly describe as the wisest and most accomplished of living princes? What a description is given of the position of the King of the Belgians, to say nothing of the Belgian people, when a Minister of Queen Victoria publicly announces to Europe that the King of the Belgians is in a state more humiliating than the slaves, who, according to the statement of the First Lord of the Admiralty, are the subjects of the Emperor of France, and that he permits the press of his country to be gagged by a foreign Power? Now, what are the facts? Is the press of Belgium gagged? Is the Prince, in whom England must always take an interest irrespective of his great talents and accomplishments, is he in the humiliating position of having his press gagged? Let us look into the facts of this important case, and let us see whether they have been correctly stated by the President of the Board of Control, who, from his position, ought to be acquainted with some of them. Belgium is a country the independence and neutrality of which are guaranteed by treaties to which England is a party, and that independence and neutrality are not to be impeached or violated without England interfering with other Powers to vindicate the rights and establish the authority of that country. There is no slight question at stake in this matter; because, if the press of Belgium be gagged by a foreign Power, where is the independence of that country? and when and at what hour may not England be called on, in conformity with treaties which cannot be evaded, to emancipate Belgium from this thraldom? I recommend hon. Gentlemen to take that point into consideration, in consequence of the statement made on the high authority of a gentleman fresh from Cabinet Councils, who must therefore be supposed to have a complete and accurate idea of the state of Europe. There was this difference between the press of England and that of Belgium in reference to French affairs, that the newspapers published in Brussels against the Emperor of the French were printed in the language of his countrymen, and that they openly incited to and recommended the assassination of the ruler of France. Of course, under these circumstances, it is not remarkable that the ruler of France complained of such flagrant outrages. It is impossible to say, if no redress had been given or offered, what might not have been the consequences. It is very possible that Belgium might have become involved in invasion, because no protection against such outrages towards a neighbouring sovereign could be given. It is also very possible that the great Powers might not have conceived it to be their duty, under the circumstances, to assist in the rescue of that country. But see the embroilment of Europe that might then have arisen. Perhaps England alone would have been left as the champion of Belgium, because it is not likely that we should have deserted our neighbours, whose independence we are bound to maintain. What then did the King of the Belgians do? He acted like a wise and able Sovereign. He did not submit to his press being gagged; he made no humiliating concessions; but he felt that the appeal made to him was a just appeal, that the outrage was an unjustifiable outrage; and he went to his own free Parliament, and said that it was an intolerable grievance that a neighbouring Prince should be held up to assassination by newspapers in Belgium, and in the language read by his own subjects; and he appealed to that Parliament to do what was proper. And what was the course of the free Parliament of Belgium? I believe without a dissentient voice, certainly without any important opposition, they passed a law declaring that papers in the French language, or in any language, should not be published in Belgium that recommended the assassination of neighbouring princes; and thus in the most efficient and the most constitutional manner that consummate Sovereign terminated a difficulty which threatened his country in a way most honourable to all parties. And yet it was not a newspaper, it was not one of those vile prints that counsel assassination, that made the statement that the press of Belgium is gagged, but a Councillor of Queen Victoria, an experienced statesman, a statesman selected to sit in the Councils of the Government (where there is no regard to the principles of the Gentlemen who compose it, as that is a question of second-rate importance)—selected to take office on account of his admirable discretion, his unfailing judgment, and the certainty that under no circumstances he would say or do anything that could commit his Colleagues. I observe that on the day when the right hon. Gentleman made his speech at Halifax, the Cabinet met and sat four hours. Now, when a Cabinet sits four hours, the subjects considered must be weighty. The right hon. Gentleman the Chancellor of the Exchequer smiles, as if the Cabinet was sitting on the income tax. Oh, no! I am sure the Cabinet could not have been sitting upon the income tax. It is fully avowed and frankly acknowledged that all questions of domestic interest are to be suspended—adjourned to the Greek Kalends, for aught we know—and, therefore, it is clear it could not have been about any question of domestic policy the Queen's servants met that day and sat so long. It is not, therefore too rash a supposition to imagine that something connected with the foreign relations of the country may have occupied their thoughts. It is not difficult even—this of course is only conjecture—to conceive the subject which attracted their attention; for the newspapers were teeming with accounts of the arrival of Government messengers with despatches from the Turkish Empire, a portion of which was at the time greatly disturbed. That problem which has perplexed the minds and occupied the anxious thoughts of statesmen for more than half a century—the state of the Turkish Empire—was probably the subject under the consideration of Her Majesty's Ministers. Every one knows how much is at stake in the solution of that problem. It is a question not only of the peace of Europe, but of the civilisation of the world. And how have English statesmen hitherto dealt with it? In what manner have they attempted to grapple with the difficulties of this ever-reverting subject of perplexity and peril? Only in one way. They have recognised but one means by which a temperate, wise and successful issue could be insured. And what is that? A cordial understanding with France. The traditionary policy of that great empire has led it always to feel that it must not sacrifice a high principle of State for any temporary success, or any petty and partial acquisition which it might be able to secure. So long as France and England thoroughly understand each other on this great question, the peace of the world and the interests of civilisation and humanity are not in peril. I will assume, then, the Turkish question to have been the subject of the Cabinet Council of four hours, and I cannot well conceive any subject more worthy of such prolonged deliberation. I can conceive Her Majesty's Ministers quitting the Council Chamber deep in thought and fully impressed with the almost awful responsibilty of their decision upon that policy; and I can also conceive the feeling of these same Ministers when next morning they read the speech at Halifax, and found that their absent Colleague had designated in terms of ignominy the sovereign Power with whom they were to act as an ally, and treated—as I will presently show—the nation he rules over as the lowest, in point of civilisation, that can well be conceived. As regards the First Lord of the Admiralty (Sir James Graham), he has had a great deal of experience, to be sure, but then he has been a long time in opposition, and something might be said for him in the way of excuse on that account, if, indeed, so great a personage can condescend to an excuse. The right hon. Baronet might say, or some one might say for him, "Well, I have been a good many years without attending Cabinet Councils. This occurred before any new Cabinet Councils were summoned. I was unexpectedly called to power—without any previous arrangement or understanding, of course. I had not yet attended the Councils of Her Majesty's servants when I went to the hustings. It is a strange thing that I should have made such a business of it; but still these things will happen." But what was the position of the President of the Board of Control? He was hardly out of office but he was in again. He had been in office for five or six years, and a hardish time he had of it, no doubt; but, nevertheless, he agreed again to lend his gravity to the Councils of his Royal mistress. He was so properly anxious that the people of this country should have none but discreet men to administer their affairs, that without making any stipulations as to the policy or principles of the Government, he became a Minister again, and attended twenty Cabinet Councils before he went down to make the Halifax demonstration; and yet, with this renovated sense of responsibility—knowing how much depended on everything said by a Minister under these circumstances—the right hon. Gentleman, fresh from Cabinet Councils—knowing all the questions at issue, goes to his constituents, describes the ruler of the French in language which I have more than once referred to, and will not now repeat, and then proceeds, in a passage which I have not yet read to the House, to give the people of Halifax some idea of the conduct of the Emperor's subjects. The right hon. Gentleman feels it necessary to vindicate the increased expenditure of the country to his constituents, and he shows them, as it was not difficult to do, that this expenditure had been incurred solely for self-defence. But then the right hon. Gentleman goes on to illustrate the importance of these defensive measures, "for," says he, "I do not think there will be a regular war with the French, but I tell you what you will have; you will have bodies of 5,000 men suddenly thrown upon your coast, and how would you like that? How would your wives and daughters be treated?" This is a description of the bravest, the most polished, and most ingenious nation of Christendom by one of Her Majesty's Ministers. Now, I shall not express my own opinion of this definition or description of the French nation by the President of the Board of Control; but I will quote the words of a great Whig Minister, whose memory must be respected by every Gentleman on the opposite bench. I was going to say by every Member of the Government, but that, perhaps, would be going too far. In the debate which took place in the House of Lords on Mr. Pitt's commercial treaty with France in 1787, Lord Stormont, I think it was, opposing the treaty, put forward, as one of his arguments, that it would be dangerous for British merchants to invest so much money in France, because in the case of a war the French Government would seize upon all their capital; whereupon Lord Shelburne—who now bore the honoured name of Lansdowne—ridiculed such sentiments, saying, "One would suppose, in listening to the noble Lord, that he imagines the French nation to be corsairs and bandits of Tunis and Morocco." Well, that is what I say to the President of the Board of Control. The Halifax hypothesis is, that without declaring war, and in utter violation of all the rules which govern civilised nations, the French will land bands of men on our coasts, to commit the desecrating enormities hinted at; and I say that the man who conceives this to be possible, must imagine the bravest, the most ingenious, and the most polished people in the world to be no better than corsairs of Tunis and Morocco; and yet, after having said all these things, the right hon. Gentleman writes a letter to the leader of the House of Commons—mind I am not touching on his apology to the ruler of France—I have omitted all that from consideration tonight—I do not think much of the apology—I can't say I think it a handsome one—but let that pass; I am looking to the principles involved, and the great interests at stake, in the speeches and statements of a Cabinet Minister. In this letter the right hon. Gentleman says, quite in his own vein, "I cannot conceive that an English Minister"—mind, this is written; it is an important State paper, a letter to the leader of the House of Commons, to be read to the Senate of England—"I connot conceive that an English Minister is to be precluded from adverting to what he conceives to be the state of things on the Continent." Well, I will match that sentence for style against any sentence that was ever written; it is, indeed, worthy of the position which the right hon. Gentleman occupied. He is apologising to an Emperor for an insult to a nation, and then he tells us that he is not conscious that an English Minister should be precluded from adverting to what he conceives to be the state of things on the Continent. My opinion is, that an English Minister should not open his mouth on any subject, and certainly not upon what the President of the Board of Control calls "the state of things on the Continent," without a grave sense of responsibility. And, moreover, I think that if, under the circumstances, the President of the Board of Control felt it his duty to advert to what he supposed to be the state of things on the Continent, he ought, as a Minister, to have been courteous in expression and conciliatory in language. But I cannot admit the principle that an English Minister shall take part in the most secret deliberations of the greatest kingdom of the world, and then leave the Cabinet to babble on a hustings all that he has heard. What Cabinet Ministers understand to be the state of things on the Continent is a great secret of State. We have no right to ask them to divulge it in this House, much less in the Odd Fellows' Hall at Halifax. Well, I have advanced so far in this argument that we have arrived, as regards the sentiments of Her Majesty's Ministers on the all-important question of our relations with France, at a very unsatisfactory point. Though there might be no doubt as to the policy of the noble Lord opposite when he was Chief Minister—though there could be no doubt of the policy of Lord Derby when he was Chief Minister—as regards our relations with that country, hitherto, if we are to be guided by what has transpired in the speeches of two Members of the Cabinet, there is very grave doubt as to what the policy of the present Cabinet of the Earl of Aberdeen is to be. I think that it is not only a legitimate subject of investigation and inquiry, but that it is our absolute duty to obtain from the present Cabinet, if it be possible, something more satisfactory upon this all-important subject. For, be it observed, that the Emperor of the French, with all his English experience, cannot for a moment look upon the declarations I have quoted as only the declarations of private individuals. They are not anonymous or unauthorised declarations; and in his mind they may rightly be esteemed as national declarations being expressions of opinion by Members of Her Majesty's Government. They must be viewed, therefore, in a very different light to opinions expressed, and legitimately expressed, by the public journals of the country. But there are additional and peculiar reasons why we should make this inquiry at the present time. When the present Government took office, the head of the Government offered what is called a programme of his policy in another place—a programme so vigorous and lucid, in the opinion of the noble Lord opposite, that he considered it quite exhausted the subject, that it left no topic untouched, and no doubt upon any topic in the mind of any individual; and, therefore, the noble Lord said that he would not presume to add anything. Now, there was a declaration in that programme upon the foreign policy of the Government. I beg to call the attention of the House to that very important declaration. Remember who made it; remember it was made not only by the Prime Minister of England, but by one who had filled the highest offices of the State, and especially had been more than once, and for a considerable period, Secretary of State for Foreign Affairs. Therefore, although a Minister is bound to know something of everything, the House will observe that upon this topic the noble Chief Minister was bound to know everything. It is a subject of which he is pre-eminently master. Let us, then, recall to our recollection the statement in this satisfactory programme made by the Earl of Aberdeen. Lord Aberdeen did not dwell upon the subject of foreign affairs at any great length, but what he did say was succinct and precise. He said it was unnecessary to dilate on the topic, because the system and principles on which the foreign policy of this country had been conducted during the last thirty years were the same. Sir, I confess I listened to that declaration with some astonishment. I could not but recall to mind the tempestuous debates which only three years ago resounded in this House on the subject of our foreign policy. I could not forget that the system and principles of the foreign policy then pursued, and which had been pursued for years by the Government presided over by the noble Lord the Member for London, had been described as unbecoming to the dignity of England, and perilous to the peace of Europe. I could not but remember that this was the language used by one of his Colleagues in this coalition Ministry. I could not but recollect that Lord Aberdeen himself had used, with reference to the then foreign policy and the principles on which it was conducted, an epithet rarely admitted into Parliamentary debate for he stigmatised them as "abominable."—I could not but recollect also that the great indictment of the foreign policy of the then Government was opened in this House with elaborate care and vehement invective by the right hon. Baronet now First Lord of the Admiralty (Sir James Graham). I therefore was somewhat surprised when I found that for thirty years there had been no difference in the principles on which the foreign policy of the country had been carried on. I could not but recollect, too, that the noble Lord the Member for London denounced the principal instigator of those debates as one who did not take the foremost part in them, as he ought to have done, and as being in league with foreign conspirators for the most disgraceful object which it was possible for a British statesman, if it could be proved, to pursue. I could not but remember the glowing and fervid eloquence with which the noble Lord vindicated his noble Friend the then Secretary of State for Foreign Affairs (Viscount Palmerston), and still a Secretary of State, when, commending him as a truly English Minister, he added, "He is not a Minister of Austria, he is not a Minister of Russia, he is not a Minister of France." Who, then, was the Minister of Austria, Russia, and France? Who sat for that portrait? It is the portrait of the present Prime Minister of England, drawn by his leader of the House of Commons; and he has paid the artist for his performance by degrading him from the post of which he was worthy. Is the recollection of these facts—is the statement made in this panegyrised programme of the noble Lord—is the indiscretion or the design of the two Cabinet Ministers whose conduct we have been considering, reasons why we should suppose that all is satisfactory on this all-important subject? I give the noble Lord opposite credit for a sincere adhesion to sentiments of cordiality towards France; I make no doubt he is as deeply and profoundly convinced of the soundness of that policy as when he delivered to the mind of this country those reassuring words to which I have referred. But, alas, the noble Lord is no longer Prime Minister of England; and therefore I must have a more formal assurance, or at least the country will require it, now that the position of the noble Lord is somewhat changed. I think, therefore, the House will agree with me that I am taking no unfair or factious course. [*Cheers.*] I hope that hon. Gentlemen will favour us with their idea of faction, if they think that on the most important subject that interests the English people, I am not justified in asking for a frank explanation of the views of Ministers. Why, Sir, here is a document which has been put into my hands since I came into the House, and to which I would not have alluded—it disturbs the argument I would have pursued—had it not been for the indiscreet movement of hon. Gentlemen opposite, who seem to insinuate that the observations I am making with a view to elicit information are unnecessary. Do you think so? They shall hear what is the opinion of the merchants, bankers, and traders of the city of London on the subject. The document I hold in my hand is an invitation to a meeting of those classes "who feel called upon at this time publicly to express their deep concern at witnessing the endeavours continually made to create and perpetuate feelings of distrust, ill-will, and hostility between the inhabitants of the two great nations of England and France." I therefore recommend some of the hon. Members who attempted to disturb my observations—if they should not favour us with their opinions to-night—to go to the London Tavern and tell the merchants, bankers, and traders of England that they are exhibiting a factious feeling towards the Government, because they feel alarmed and disquieted as to their commercial transactions. Sir, I will not be deterred from asking the question I am about to put. I say we have a right to ask Ministers to declare upon what system our foreign policy is to be conducted. Let them explain the mysterious paragraph in Lord Aberdeen's programme, which they say is so satisfactory. Is their system to be one of "liberal energy," or "antiquated imbecility?" That is the real question. When the noble Viscount opposite, who was then Foreign Secretary, was vindicating himself from attacks, he took credit for the liberal energy of his policy, and described the principles recommended by his present chief as being a system of "antiquated imbecility." Now I think it of the umost importance that, we should clearly know whether the foreign policy of this country is to be carried on on principles of liberal energy or on principles of antiquated imbecility. But, Sir, I have shown to the House that already two Cabinet Ministers have acted in a manner quite opposed to the declaration of 1852. I have shown that the programme of the First Minister does not in any way remove the difficulties with which we are environed, and that it is utterly inconsistent with the facts of the case according to a large number of the Members of the present Cabinet. If the principles on which the foreign policy of this country is carried on have never changed, how can the First Lord of the Admiralty, how can the Chancellor of the Exchequer, vindicate the course that they then took, the resolutions that they then supported, the sentiments that they then expressed? I think they will find it a very difficult task. There is even now still a further reason why I must press for some explanation from the Government on this head. I repeat that in the sentiments of the noble Lord I have implicit confidence on this subject. I have no doubt that the noble Lord is profoundly convinced of the justice and truth of the sentiments that he expressed in 1852. Whatever the noble Lord says when he opens his lips on such a subject, and particularly when he does so as Secretary of State for Foreign Affairs, is entitled to our highest consideration. But how long is the noble Lord going to remain Secretary of State? I am not speaking from rumour: I ask—and it is a legitimate question in a debate on the foreign policy of the Government—why did the noble Lord accept the important post which he now occupies? Was it because his opinions on the French connexion were well known? Well, is he going to leave the post because his Cabinet, or the majority of his Cabinet, does not agree with those opinions? This, therefore, is clearly a subject on which some explanation is due to the House. Sir, I know I may be met, but I hardly think I shall be met, by the allegation that I have no right to suppose the noble Lord is about to quit the office he is so competent to occupy. I said, I did not speak from rumour on this point, and I will now state to the House the authority on which I said so. It is a paragraph in a paper—a journal. I hope, notwithstanding the conduct of the journals which some of us have criticised, it will not be undervalued on that account. It is, to borrow an expression from our neighbours, "communicated," and it appears in a journal of great respectability. It appears in a paragraph in large letter, in the most prominent place, and commences with the significant words, "We are authorised to state"—in fact, it is redolent of Downing-street, and no doubt came from it. The first paragraph—for there have been four of them—informs us that the arrangements, which were not quite made when the Cabinet was formed, are now pretty well settled; the noble Lord the Member for London is to continue leader of the House of Commons, but is to relinquish the office of Secretary of State, and he will probably not assume any other office. I have not the paragraphs here, but I read them yesterday, and I can state pretty nearly the substance of them—all "from authority." The paragraph I have just read to the House was a very strange announcement, no doubt; but then came the second paragraph. We understood from the first that the noble Lord had accepted office as Secretary of State provisionally only; that he was to be leader of the House of Commons, and to hold no office. People were rather surprised at this; so then there came forth another paragraph, which was "authorised to state" that all this was a mistake—that the noble Lord was certainly not to remain Secretary of State, but he was to have some office where there was nothing to do, somewhere in the neighbourhood of Waterloo Bridge. In fact, the only place the description met was that of the toll-gatherer of that unfortunate investment. Well, Sir, this paragraph was not at all satisfactory. The noble Lord, whatever our various political opinions, is rather a favourite of the people of England, and they did not consider that was exactly the treatment to which a man of his position was entitled. There was a general murmur. So out came another paragraph, in which it was stated "on authority" that all the other paragraphs were erroneous—that it was true the noble Lord was going to resign the office of Secretary of State, but he was certainly to continue leader of the House of Commons, and that he was to have a room—a small room, I think it was described—allowed him in the office of his successor. But the climax was reached when a fourth and rather an angry paragraph, written, it seemed, with some feeling of personal indignation at what had already been published, appeared, in which it was stated that nothing could be more erroneous or premature than the previous announcements that the noble Lord was to continue leader of the House of Commons; that he was not to have a small room at the Foreign Office, but that he was to have a room at the Council Office, and even to be allowed two clerks. Sir, I protest against this system of shutting up great men in small rooms, and of binding to the triumphal chariot wheels of administrative ability all the fame and genius of the Whig party. I think I have a right to ask the noble Lord frankly, "Are you Secretary of State, or are you not?" If he is Secretary of State for Foreign Affairs, he will no doubt, on the subject we are treating to-night, afford us very satisfactory information; but if he is Secretary of State now, but is not to be Secretary of State to-morrow, I think the declarations of the noble Lord, on a question of foreign policy, will be much depreciated in the value which we would otherwise attach to them. Sir, considering the conduct of the First Lord of the Admiralty conduct which I will not describe, for to say that it was the result of design would be offensive, and to say that it was indiscreet would, as I observed before, be impertinent—considering the conduct of the President of the Board of Control, which, be it designed or indiscreet, or anything else, is of no matter—for no epithets can rescue him from the position he occupies—considering the programme of the First Minister, which contradicts all our most recent experience and confounds all our convictions—considering the mysterious circumstances which attend the present occupation of the post of Secretary of State by the noble Lord the Member for London—I think I have a right to ask for what has not yet been accorded us—some clear explanations from the Government with respect to the relations which exist between this country and France.

Sir, there is one other reason why I am bound to pursue this inquiry at the present moment, and I find that reason in the present state of parties in this House. It is a peculiar state of things—it is quite unprecedented—it is well deserving of the attention of hon. Members who sit in that quarter of the House [*the benches below the gangway on the Ministerial side*]. We have at this moment a Conservative Ministry, and a Conservative Opposition. Where the great Liberal party is, I pretend not to know. Where are the Whigs, with their great tradition—two centuries of Parliamentary lustre, and deeds of noble patriotism? There is no one to answer. Where are the youthful energies of Radicalism—its buoyant expectations—its sanguine hopes? Awakened, I fear, from the first dream of that ardent inexperience which finds itself at the same moment used and discarded—used without compunction, and not discarded with too much decency. Where are the Radicals? Is there a man in the House who declares himself to be a Radical? [A VOICE: Yes!] Oh, no! you would be afraid of being caught and changed into a Conservative Minister. Well, how has this curious state of things been brought about? What is the machinery by which it has been effected—the secret system that has brought on this portentous political calamity? I believe I must go to that inexhaustible magazine of political device, the First Lord of the Admiralty, to explain the present state of affairs. The House may recollect that some two years ago, when I had the honour of addressing them on a subject of some importance, that the right hon. Gentleman the First Lord of the Admiralty afforded us, as is his wont, one of those political creeds in which his speeches abound; and the right hon. Gentleman on that occasion, in order that there might be no mistake—in order that the House and the country should be alike undeceived, and that they should not have any false expectations from him—especially the Conservative or Protectionist party—said, in a manner the most decided, that his political creed was this: "I take my stand upon progress." Well, Sir, I thought at the time that progress was an odd thing to take one's stand upon. I thought at the time that a statesman who took his stand upon progress might find he had got a very slippery foundation. I thought at the time, though the right hon. Gentleman weighs his words, that this was a piece of rhetorical slip-slop. But I apologise for the momentary suspicion. I take the earliest opportunity of expressing to the right hon. Gentleman my sincere regret that I had for a moment supposed he could make an inadvertent observation. I find that it was a system perfectly matured, and now brought into action, of which the right hon. Gentleman spoke. For we have now got a Ministry of "progress," and every one stands still. We never hear the word "reform" now; it is no longer a Ministry of reform; it is a Ministry of progress, every member of which agrees to do nothing. All difficult questions are suspended. All questions which cannot be agreed upon are open questions. Now, Sir, I don't want to be unreasonable, but I think there ought to be some limit to this system of open questions. It is a system which has hitherto prevailed only partially in this country, and which never has prevailed with any advantage to it. Let us, at least, fix some limit to it. Let Parliamentary reform, let the ballot, be open questions if you please; let every institution in Church and State be open questions; but, at least, let your answer to me to-night prove that, among your open questions, you are not going to make an open question of the peace of Europe.

Lord JOHN RUSSELL: Sir, if the right hon. Gentleman wished to obtain an explanation from Government with respect to the state of its foreign policy, he might have confined his observations to a very small portion of that which he has addressed to the House; for the statement I made the other night, that we were on terms of intimate friendship with France, and that we were acting in concert with France, with the view of maintaining the peace of Europe, might almost have sufficed for a Member of this House who was anxious to obtain some assurance on that important question. The right hon. Gentleman, when he sat on this side of the House, observed, with respect to a change which was proposed to be made in some administrative department, with respect to economy as regards the conduct of public business in a public office, that if that question was introduced into the House, he was afraid it would unfortunately be made a party question. Well, Sir, that would have been a misfortune, and, there is no doubt, if such were the case, and if questions with respect to how many clerks were to be in one office, and as to whether there should be two or three clerks in another office, had been made party questions, it would have said very little for the patriotism of the House; but, at least, the evil, though somewhat scandalous, would not have been very calamitous. But, Sir, when the right hon. Gentleman tries to make a party question of our foreign policy—when he tries to throw suspicion on the intentions of Government towards our nearest neighbour—when he tries to sow dissension between two of the most powerful countries of Europe—then, indeed, he makes a party question a calamity, and in bringing forward such a question in the spirit manifested in his speech, takes a part which becomes a mind deeply imbued with faction.

Sir, I said the other night, and I repeat it now, that the Government of this country is on terms of amity with the French Government. I was happy to hear the right hon. Gentleman say that matters connected with the domestic policy of France were matters of concern for them, and not for us, and that we were not to interfere in their domestic concerns. Well indeed would it have been if these sentiments had prevailed in this House in February, 1793. I cannot help reflecting what torrents of blood might have been spared, and what millions of treasure might have been saved, if it had been then laid down as a principle by all parties in this House that we should not interfere in the domestic concerns of neighbouring countries. But what other explanation is it the right hon. Gentleman requires? The right hon. Gentleman alluded to a speech of mine in February, 1852. To all the sentiments of that speech I subscribe entirely at this moment. There is one misreport certainly of that speech to which I may as well allude. I am supposed to have said that the measures adopted by the President were no doubt for the welfare of France. What I stated was, that no doubt the President considered the measures he had taken were for the welfare of France. I did not deny that it may be necessary in certain cases, even in the most enlightened countries, to take all power out of the hands of the people, and the ruler of France no doubt might have thought it was necessary to do so at that period. Whether it was or was not necessary was a question on which, I of course, did not pass an opinion, and on which I do not pass an opinion now.

I thought it was a lamentable sight, during the last five years, to see France throw off a monarchy under which she had been peaceful and prosperous, and place herself under a republic so strangely constituted that it seemed as if all its elements were framed to make war on each other; and that that intestine war could only have been brought to a termination by surrendering the most valuable powers a people could exercise; that, indeed, has been a melancholy spectacle. But I hoped that the talented and ingenious people, who in 1789 began the reform of their constitution, might have arrived by this time at that which is the most desirable and important of all national blessings, and I still believe they will find the means, when the spirit of that extreme democracy has subsided, by which their Government can be improved, and that we shall still see them enjoying those institutions, not exactly similar to ours, but as nearly so as is suited to the character of the people, which are calculated to bring to perfection and reward the exercise of peaceful industry and the attainments of superior talent. In that spirit, therefore, I looked on the events which have taken place in France with every desire to suppose that the ruler of that country was intent on putting an end to anarchy and disorder, and on perfecting such a Government as would give to the people peace and tranquillity.

It happened that the Government which followed us, which was the Government of the Earl of Derby, had another question to consider of very grave importance, namely, the recognition of the Imperial dignity in the person of the ruler of France—the recognition of a dynasty almost—certainly the recognition of a Prince under the title of Emperor, and in the name of Napoleon III.

It was natural that the Powers of Europe, with the recollection in their minds of what had occurred from 1804 to 1814, should have wished to obtain some assurance that the Government about to be constituted should adopt the international acts of the Governments which had preceded it; but the Government of this country, by the advice of the Earl of Derby and the Earl of Malmesbury, took that security which they thought necessary, and, when they had obtained that security, at once acknowledged the Emperor of France by the title of Napoleon III. They did not wait till the other Powers had come to a similar decision. They did not wait until other Powers had come to a similar conclusion, and my belief is, they did well and wisely in that decision. I have examined the correspondence which took place on the occasion, and the conclusion to which I came certainly is that the Earl of Malmesbury, in that correspondence, while he showed the utmost conciliation, at the same time maintained the dignity of this country. Therefore I am not going to blame the Government which preceded us for any step it took on that occasion. No doubt that early recognition tended to conciliate the Government of France; and, therefore, when we entered into office we found the basis laid for the most amicable relations with France.

I believe, as I have often stated in this House, that a good understanding in this country with France is of the greatest value to the promotion of the happiness of both countries and to the peace of Europe. And not with France alone, because I think a conciliatory policy should be adopted towards all the Powers of Europe; and, as far as I can see, all these Powers are disposed so to shape their conduct as to maintain peace in Europe. Upon that great question to which the right hon. Gentleman has alluded, namely, the question of Turkey, it is no doubt most desirable to act with a good understanding with France. But at the same time I think it is the duty of this country, disinterested as it is upon that question, to preserve that attitude which can enable it to give friendly advice to all those States among whom a difference may arise; to maintain the kingdom of Turkey from any aggression, and at the same time to accomplish that by negotiation and by friendly counsel. Sir, that end will, I trust, be accomplished.

The right hon. Gentleman has alluded—and I think most unnecessarily—to speeches that have been made at the hustings by two of my right hon. Colleagues. Now, I ask for what purpose did he do so? If those speeches raised any doubt in his mind, was it not enough for the right hon. Gentleman to ask what were the real intentions of the Government towards France? What purpose could these allusions answer but that of exciting irritation between us and a neighbouring country, and thereby producing a suspicion which might not otherwise have been created? And yet this is from a right hon. Gentleman who in the early part of his speech declared he had nothing so much at heart as a cordial understanding between the two countries. My right hon. Friends have spoken on the hustings with regard to what they thought of the Government of France, and they have spoken in a manner which no doubt may be objected to; but in so speaking they did not intend to disturb our friendly relations with that country. They had not time at the moment to draw on their memory or to make reference to commonplace books to enable them to make speeches to their constituents, and therefore incautious words may have dropped from them; but this I will answer for, that nothing was further from their intention and thoughts than disturbing the good understanding that prevails between this country and France. The right hon. Gentleman passed on, as he had a right to do, to the domestic state of our affairs; but before I proceed to refer to his observations on that point, I must allude to the statement of the right hon. Gentleman, that the Earl of Aberdeen said nothing more than this: that the foreign politics of this country would be conducted in the same manner as they had been for the last thirty years. The right hon. Gentleman entirely omitted reference to the fact that the Earl of Aberdeen went on to make some observations which, as he has neglected to give them, I will read to the House, as they are sentiments with which I entirely concur, and contain in themselves sufficient to make known the general opinions of the Government with regard to foreign affairs. My noble Friend said, with respect to the policy of this country—

> "It has been marked by a respect due to all independent States, a desire to abstain as much as possible from the internal affairs of other countries, an assertion of our own honour and interests, and, above all, an earnest desire to secure the general peace of Europe by all such means as were practicable, and at our disposal. I do not say that differences may not have existed, or that sympathies may not have been excited, on behalf of certain States in their endeavours to promote constitutional reforms and to obtain constitutional government; but the principle of our policy had always been to respect the independence, the entire independence, of other States, great or small, and not to interfere in their internal concerns. That will continue to be the case, and I trust that we shall still retain the friendship and good will of all foreign countries, whatever the nature of their government or constitution."—[3 *Hansard*, cxxiii. 1724.]

That, Sir, was a clear announcement of the policy of the Government, that, whatever might be our wishes for the liberty of other countries, we should not think it fitting to interfere with their internal government or constitution. Sir, I believe that by so conducting ourselves, and by maintaining peaceable relations with foreign Governments, we shall better advance the civilisation of mankind, than by any active interference to force upon them our own form of institutions. But the right hon. Gentleman went on, and, venturing upon what I think was somewhat dangerous ground for him, he said that there was a want of principle in the present Government. The present Administration is formed of men who, in the great contest which was carried on for ten years, and which was carried on most perseveringly until the beginning of last year by a great party, have agreed upon the general principles of commerce and finance which have at length finally triumphed. That was the great ground of contest during this period, and those who sit in the present Cabinet have always been found upon the same side with respect to these questions. But, as to the right hon. Gentleman opposite, after contending from 1842 to 1846 in favour of free trade, and from 1846 to 1852 in favour of protection, what was the course pursued by his party in 1852? First, we had a declaration on the part of the leader of that party very clearly and decidedly in favour of protection. Then there was the formation of a Ministry in which no man could say what was the principle adopted. One man represented the Government as favourable to protection, another represented them as favourable to free trade; and the head of that Government, the Earl of Derby, declared that his opinion was to be formed not by his study of commerce or finance—not by the writings of political economists—not by his own observation, or his own very considerable abilities, but by the votes of 1,000,000 electors in the United Kingdom, who were to make his opinions and to form his policy; and yet the organ of that Government in the House of Commons comes forward and twits us now for being without principles and being without principles in forming a Ministry! The fact is, Sir, that that party to which the right hon. Gentleman belongs—and I must again remind him of it—have gone wrong very much because they would never take the advice which I ventured to give them. In 1841 I told them they never would get anything better than an 8*s*. duty. They would not accept of that. In 1845 I told them that if they would take a 6*s*. duty and get something taken off the burdens of which they complained, it would probably be the last time upon which they could make so advantageous a compact. They would not hear of such a suggestion. But in 1849 I told them that if they would then give up protection and adhere to their general principles with regard to the Crown and with regard to constituted authority, they would always be a very large and powerful party in this country, having great influence upon the deliberations of the country, and that they could not fail very soon to make a great impression upon the counsels of the Ministry. Well, Sir, they would not take that advice. How much better their situation would have been now if they had taken it! They probably would have been Ministers at this hour if they had done so. They would have stood upon their general principles a most compact party, as we found them to be last year, and we should not have seen them having to go through that discreditable period of their history, when they turned from one opinion to another, all declaring themselves for protection on the eve of taking office, then doubtful whether to be for it or not, and at last voting in a mass in favour of a free-trade Resolution; whereas they might otherwise have possessed power both now and for some years to come. I don't know whether I ought to give them any more advice, they have made such bad use of that I have before given them, or rather no use at all; but still I would venture to say, that while out of office, without abandoning any of their own principles, standing firmly by the principles which they have long held, and not caring at the moment whether those principles were successful or not, they yet should not come forward to make themselves too active in displaying their hostility to that which makes efforts for the peace and welfare of the country. They may depend upon it, although the right hon. Gentleman thinks the reforms that we have proposed are not sufficient, and that we ought to have produced much larger reforms—they may depend upon it that, after the contentions and struggles of last year, whatever may be the progress which we propose, the country would gladly see a short time at least of peaceable progress, without any of these great convulsive struggles of parties; and I am convinced that those who say they will not submit to such conditions, and that they will be restless in the present state of things, and even will take advantage of phrases which may inadvertently be dropped, in order to produce uneasiness in our foreign affairs, will not gain to themselves the confidence of the country.

The right hon. Gentleman has alluded to me and to the position which at present I have the honour to hold. I occupy that position from the full conviction which I entertain that it is really the desire of the country, that although one man may be a Whig and another a Conservative Liberal, those divisions ought not to prevent a Ministry being formed which shall connect as many men as possible together who can agree in their principles, and who are capable of carrying on the Administration of the country. Sir, anything that I can do, in whatever capacity in office, belonging to the Government or not belonging to the Government, in order to carry that wish of the country into effect, it will be my desire to do. If I may mention myself, there are two questions of internal policy upon which I take a greater interest than any other. They are the question of the education of the people, and the question of a further amendment in the representation of the people. I cannot be pushed on to either bring forward myself, or to urge others to bring forward, measures upon those subjects which I think are either out of time, or are such as will not be likely to meet with a successful issue. I believe, in the present state of the country, it is desirable that measures of that kind should be fully weighed, and carefully and deliberately introduced. I believe that in adopting these sentiments I am not differing from either the great majority of this House, or the great mass of the people; and, if I can contribute to measures such as those being prepared, and ultimately carried, and if in the meantime I can contribute anything to the stability of a Ministry which, I believe, is formed of men both honestly intent upon the good of the country and capable of carrying into effect wise measures with due deliberation, it will be my pride and glory to have done so.

MR. COBDEN said, that with regard to the first object stated by the right hon. Gentleman (Mr. Disraeli), the maintenance of friendly relations with France, that was a practical question, and one in which the country was deeply concerned. The right hon. Gentleman had laboured to show that he believed in the friendly feeling of France towards this country—but we could not shut our eyes to the fact that there was a very different feeling out of doors, and the tone of the press generally, and certainly the unanimous tone of the London press was characterised by great distrust of the present Government of France. The right hon. Gentleman said that he did not share in any apprehension of the Government of France; but when he was in power a few months ago he proposed a large increase of our armaments, and he now tried to show that that increase was not made with reference to the feeling of the country towards France, but in continuance of a system rendered necessary by changes which had taken place in steam navigation. But the right hon. Gentleman must permit him to recall to his recollection that he did not propose any increase in steam machinery, but an increase of men; whereas the advance of steam navigation did not imply the necessity for an increase of men, but directly the contrary; and therefore the right hon. Gentleman had certainly, though perhaps unconsciously, given an impulse to the feeling of the country of distrust against France. He (Mr. Cobden) must, therefore, say, that while the late Government preached peace towards France, their conduct was not consistent with their professions. Different Governments stated that they did not share in any apprehension of France which might be felt; and while they censured the press for exciting it, they did what was ten times more insulting to France. What was anything which was spoken or written compared to large warlike preparations, such as the building of twelve screw steam line-of-battle ships, and the securing a large contingent of steam vessels? Those were the things that really endangered our relations with France; and it was not newspaper articles, so much as preparations like these, which kept up the excitement of the public mind.

The right hon. Gentleman had talked much of the great service which diplomacy had done to the country, and how, during the time that he was in power, our Ambassador at Paris had arranged with France the settlement of questions relating to Switzerland, to the opening of the navigation of the South American rivers, and to the affairs of Cuba. Now, he (Mr. Cobden) would suggest a new employment for diplomacy; and he believed that if the hon. Gentleman opposite would adopt the plan, it would greatly assist him in building up a party. Would it not be advisable to employ diplomacy in trying to put an end to the warlike preparations in the two countries? Our Ambassador at Paris had been employed in arranging questions relating to Buenos Ayres and Cuba, and if he had been successful in negotiating matters of such delicacy as those, could he not come to an understanding with the French Government on the subject of the large rival preparations in the naval department of the two countries? Could not the diplomatists on both sides exchange a note on that subject? He (Mr. Cobden) would engage to frame a note in five minutes which would answer the purpose. Could it not be asked if the Government of France would be willing to put an end to the increase of her armaments, and that we would put an end to our preparations? Was there anything impracticable in such a proposition? If such a note was responded to, would it not go far to change the feeling that now exists between the two countries? It must not be assumed by either the late or the present Government that there was a feeling on this subject out of doors such as they themselves entertained. There was a letter from a gentleman, a clergyman, who often wrote letters, and sometimes signed his name, and sometimes signed himself, "S. G. O." He said—

> "When burglars are about, we examine the scullery and cellar windows, we try the fastenings of our doors, hang up bells to warn us, get dogs and police to watch for us, and go to bed in confidence that we are so prepared against an attack that few are likely to attempt it."

He was speaking of our French neighbours, a nation not less civilised than ourselves; and he spoke of them as burglars, and talked of guarding doors against them and their attacks. Such feelings were encouraged by going on with warlike preparations. We had no cause of quarrel with France, there was no question about Tahiti, no Syrian question between the two countries, and yet we went on preparing armaments as if we expected some sudden attack from France; and people seemed agreed to consider that the French were burglars and corsairs. If it came to the test it would perhaps be found there were as many burglars and criminals in this country as in France. He did not see why diplomacy should not be employed in this question as well as in the differences between the United States and Cuba. That was a very delicate question, and if we could trust France on that question, why could she not be trusted in negotiations which would tend to rid this country of alarm, and put an end to warlike preparations? He was charged with fanatical notions with regard to the reduction of armaments; but he would put his feelings as an advocate of the peace question on very moderate grounds. He would give his confidence to any Government which would endeavour to put this matter on a proper footing with France. He did not say any Government that should succeed, but any that would make the attempt. All he would ask the Government—any Government—was, to send a note to the French Government, asking an explanation, and proffering an arrangement, by which this rivalry in the increase of irritating armaments should be stopped; and then, if France did not respond to England in the same tone—if she refused—if she hesitated—and it was made apparent that there was something clandestine at work, which restrained the French Government from profiting by the frank demeanour of England—then he would cease his criticisms on the estimates, and would be ready to vote, if necessary, 100,000,000*l.* to defend the country from invasion. But, until this attempt was made, they could have no justification for this absurd and purposeless competition. There was no prospect apparently of putting a stop to the rivalry by any other means than those he had suggested. If England launched a *Wellington* to-day, France itself would slip a *Napoleon* off the stocks to-morrow: and, after the most gigantic and ruinous exertions, each nation found itself, in relative power, just where it had been before. What he said was this, do not go on in this way, constantly augmenting your naval and military forces. He asked Ministers of State to learn the simple elements of arithmetic. Say that France now stood to England as ten to fifteen. Well, take one-third off each, and the two countries would stand in the same relative proportion. Now from the present Government the country had a right to expect such a proceeding, in the way of policy, as that he had proposed. The Earl of Aberdeen, in a speech, some years ago, had declared his opinion that these great preparations for war, in times of peace, were calculated to lead to the perpetual risk of hostilities. In that opinion of the Earl of Aberdeen he entirely shared, for obviously these vast armaments had this effect—a class, a party, were raised up and sustained whose prejudices (he would not refer to their interests) were of a kind to induce them to keep up that international irritation which so often ended in open war. From the Earl of Aberdeen, therefore, the country had a right to expect that he would not allow his premiership to pass away without signalising his sway by an attempt at an agreement with France upon this question of armaments.

Hon. Gentlemen were not aware of the extent to which the warlike preparations of England were exciting the jealousy of the French public. We feared a French invasion with much less justice than the French feared an English invasion, for England had invaded France. The French Government recollected what they had suffered in previous years from our fleets, and they felt that a deep responsibility was thrown upon them to increase their own armaments. The *Journal des Débats*, one of the most pacific of the French journals, always favourable to the English alliance and friendly to free trade, said upon the 22nd of January—

> "While the English journals are every day citing, as a proof of the warlike disposition of our Government, the extraordinary armaments which they allege to be going on in our ports, and the pretended increase in the number of our screw steamships, we observe that in England they are busily augmenting their Navy, and making considerable additions to their armaments. We are tempted to believe that the English press, in declaiming so much about these imaginary doings in France, have no other object but to divert attention from the very serious preparations going on in that country."

The tone of our press elicited the following remarks in the *Constitutionnel* of Feb. 7:—

> "When we see with what miserable gossip the terrors of the English people are excited, we are astonished that their good sense can be so easily imposed upon. Nothing is too absurd with some of their journals for increasing this ludicrous panic. The sight of an armed brig in the distance, or even the appearance of a foreign fishing-boat on the horizon, is instantly metamorphosed by the invasionist newspapers into another Armada; and the English people, resolute and energetic as they are, who with their own unaided strength could hold their island home against the united forces of the whole Continent, are credulous enough for the moment to be imposed upon by these hobgoblin stories."

He had tried to ascertain whether anything was going on in France to justify this alarm. The noble Lord (Lord John Russell) said there was not, and that nothing was done but what France, as a great maritime Power, was entitled to do. But that statement was totally at variance with the tone of the newspapers for the last two or three months. We were told of all sorts of surprises that awaited us. A Belfast paper, for example, gave the following statement from an Edinburgh correspondent:—

> "We have received from an Edinburgh correspondent a letter, dated the 29th ult., in which it is stated that, during the last week, a French steamer has been cruising off Berwick, and every night the men are engaged in taking soundings of the Tweed, while during the day artists are employed in making sketches of the coast.—Our contemporary adds, that this steamer, having completed its mission at Berwick, has gone to Newcastle on a similar errand."

There had been another sinister rumour about a contract offered to Napier, the great Clyde shipbuilder, by the French Government, of Mr. Napier's refusing it, after consulting the English Government, and of the English Government compensating Mr. Napier by as great an order for English ships. Then there was another intimidating paragraph going about, telling us how the French soldiers at Rome were grumbling at not being taken back to France, in order that they might have their share of the plunder on the sack of London upon the invasion. This was the sort of thing the press was full of; and yet the Government had not said a word to contradict it. There was a terrible story of the English Government having asked for returns from all the railways as to how much *materiel* and how many men they could carry to the coast, or from one part of the country to the other in a given time. Tilbury Fort was said to be about to be put in a state of defence—in fact, the press was now saying precisely what was said before the war of 1793, except that no one whispered French emissaries were poisoning the New River. Were these stories still to go uncontradicted? He did not blame the present Government specially—the late Government was just as silent; and if what the noble Lord said of the French Government was correct, this silence was unjustifiable. In point of fact the newspapers which were in the interest of the Government were about the worst. And what was the inference? The papers worked the public feeling and the public passion up to a certain pitch; and the Government followed up all this wild talk which the noble Lord said had no foundation whatever by an increase of our armaments. Which conduct was the most censurable—that of the assailed press, or that of the assailing Members of the Government? Clearly the Government was the most to blame.

The newspapers were not the only "incendiaries." He would not refer to the Ministerial speeches quoted by the right hon. Gentleman opposite; but he would refer to what the Earl of Harewood, a lord lieutenant, had said to the West Riding militia. "I tell you," said his Lordship, "the time is coming when everybody throughout this realm will have reason to be thankful that you have come forward to defend our hearths and homes." Now this species of talk had a foundation, or it had not; and if it had not, the Government should put a stop to it, and show a practical example. Now, the party opposite were just now in want of a principle; and he would venture to address a word in the way of suggestion to those hon. Gentlemen. He would not speak in the democratic sense at all; for we had had the so-called leaders of democracy and the so-called organs of democracy joining in the panic, and calling out for more soldiers and more taxes. The sweet innocents! If they set up for democratic leaders, he could only tell them that they did not know their business when they demanded more soldiers. He would speak to hon. Gentlemen opposite in a sense to which they would not be likely to take exception. There were some new social elements at work in the present day which rendered it very important to hon. Gentlemen opposite—the "country party"—that they should insist that Government should pursue a course of frugality and economy. He was not referring to the results of free trade; he had no more to say about that but that they must reconcile themselves to calculating on that as the permanent system. He was referring to a novel feature in this age of ours—he meant the tendency of the people to emigrate—to leave this country. That was a new fact in which the gentlemen with the broadest acres were most deeply interested. There were countries now rising up in effective rivalry with us. There was Canada, Australia, New Zealand, and, above all, the United States—each competing under highly favourable circumstances as contrasted with our own, for the population of Great Britain. There could be no mistake about the fact; and what he might call the emigrating tendency of the country, was to be estimated by the circumstances that the extraordinary emigration which was going on at this moment, was going on at a moment of immense commercial prosperity at home. Now let them suppose the reverse of this happy condition of the country. He was not going to throw discredit on free trade, by allowing that we could ever possibly have again such periods of distress as we had had under protection. But still there were causes that might, under certain not improbable conditions, produce depression and discouragement in this country; and from what they now saw they might calculate what then would be the flight, he might so call it, to more favoured lands. Supposing that that emigration should be to an extent to lessen palpably and inconveniently the number of shoulders which bore the present burden of taxation, who would feel the concentrated pressure? Those who could not emigrate—the landowners; they would be left in mortgage for the public burdens. Was he not then right in suggesting that the country party was deeply interested in securing a frugal administration, an economical and good government? And yet the House of Commons was lavishing money in what was called "defence" as if it was dirt rather than gold. We had been spending from 15,000,000*l.* to 16,000,000*l.* a year for the last fifteen years for warlike preparations; and yet after all we were crying out that the country was entirely defenceless. What a disadvantage this placed us at as compared with the United States! The Federal Government of the United States cost 9,000,000*l.*—that was for the whole State machinery—while the cost of the different Governments of the separate States was altogether only 4,000,000*l.* more; so that for 13,000,000*l.* per annum 24,000,000 of people carried on the States and the Federal Governments, paid every outgoing, and the interest on the whole debt. Why, our defensive armaments merely cost more; and yet we were not content with that. Again, let England be compared with New Zealand, with Australia, or with Canada—countries without debt, almost without taxes—and it was impossible not to see that "patriotism" would not keep men in England if some change did not take place in our system. Yet Government after Government was going on spending more and more money year after year, as if there was no end of the wealth to be drained. He might be told that all this was "defence," and was, therefore, in the light of an insurance. Well, if necessary, the question was at an end. But the question was—was there no other way of making sure? As he had said, prove to him that there was no other way, and he would hold his tongue—he would vote ten times the money if necessary. His way, which he thought still surer, was to come to an arrangement with France. It might be said that France was suffering proportionately as much as we were—that this rivalry—this insurance—cost France from 3,000,000*l.* to 4,000,000*l.* a year. He would not deny this; and he would apply his warning to France as well as to England; and he would tell all the old countries that while these new countries were demanding men and capital, they must put their houses in order. Was there any difficulty in doing what he asked the English Government to do? He maintained that there was not. Let it be observed that he was not making this proposition for the first time. He brought forward a Motion, about two years ago, proposing such an arrangement with France as he had now again suggested. That proposition was then considered so reasonable that it was not met by an absolute refusal, but by the "previous question" being moved. In fact, nothing could be said at all logical or tenable against such a proffer to France. He asked again, where was the obstacle? There was none. But again, the Government would refuse to do so reasonable a thing; and he could not hope that the House would compel the Government. He went, then, to the country; and he did trust that such a pressure would be brought on that House as would force this question to an issue. This he would say distinctly—speaking as an advocate of peace, and glad to tie the badge of "a member of the peace party" to his buttonhole—that he would give his confidence to no Government which would not attempt to come to such an arrangement with France as he had spoken of. He would not hold them responsible for succeeding. But if they would not make the attempt, then he would suspect them of being under an influence not to be mentioned in that House; and to such a Government he would not give his confidence as an Englishman.

Sir JAMES GRAHAM: I am extremely sorry to hear the hon. Gentleman the Member for the West Riding say he would disapprove of the policy of the Government, unless they address a distinct demand to France, and probably to the rest of Europe, and to America, that they should disarm—

Mr. COBDEN: I thought I was not liable to be misunderstood. I said to stop the increase of this rivalry; and I need not do more than refer to my Motion three or four years ago, the words of which I do not wish to alter.

Sir JAMES GRAHAM: Not having had an opportunity of referring to the words of the hon. Gentleman's Motion, I will take the correction as he suggests, and say if the Government is not to enjoy his confidence —I don't say unless we call upon the other Powers to disarm, but unless we make a proposal to them to disarm—the condition which he imposes is all but hopeless. If such a proposal is to be made, I am quite sure that my hon. Friend will write an excellent note setting forth that request; yet my opinion is deeply seated that whatever might be the excellence of such a note, it would not be attended with the success which he anticipates. At all events, when we recollect the slight occasions which may give rise to unexpected hostilities, and the effects of such outbreaks if we are not armed, I cannot neglect the opportunity of making every preparation which the state of our relations with foreign Powers, in my humble judgment, may require. Having said thus much, I will add that there is no Member of this House more attached to peace, and more desirous by every effort to insure economy in the administration of public affairs, than I ever have been and still am. But, Sir, I must avow that, being a friend of peace, and entertaining the opinion which I do that it is most desirable that our armaments, necssarily expensive, should not be pushed to any extreme, and should be discontinued if it were possible, I deeply regret the course which the right hon. Gentleman opposite (Mr. Disraeli) has pursued on the present occasion. It is his boast that he is the leader of the largest party in this House; and I have waited with some anxiety to see if any Member on the opposite side of the House of that large party would sustain the position which the right hon. Gentleman has taken up. I have waited, but I have yet heard no Gentleman on the opposite side maintain that position. The right hon. Gentleman has lately occupied a high position in the councils of his Sovereign, and he knows the delicacy of the question which he has agitated this evening. I am bound to believe that he has taken this course in the spirit of peace, and that peace may possibly be his object; but if it be, I think he is running great risk of defeating that object. I should not have risen on this occasion if the right hon. Gen- Gentleman had not adverted at considerable length, and—I say it with pain—with great bitterness, to words which he says have fallen from me. He says it would be impertinent to suppose that I had spoken inadvertently on that occasion; the right hon. Gentleman adds that I spoke advisedly, and after much preparation. The right hon. Gentleman himself is a great master of words. I should say, also, that he speaks after much previous thought, and certainly not without considerable preparation. What were the objects which he announced at the commencement of his speech, and what were those which seemed alone to actuate him before its close? I was astonished at the approaches he began at so great a distance to compass so small an object. I was amazed to see his heavy artillery dragged up so high a hill for the purpose of carrying so small a position, and to hear him begin with Poictiers and Agincourt, and end with the hustings at Carlisle and the Cloth Hall at Halifax. I may be permitted to remind the right hon. Gentleman that even very cautious speakers, and very able speakers too, are sometimes guilty of great inadvertence. The present Parliament remembers when a Minister of the Crown and a leader of the House of Commons had, on a solemn occasion, a duty imposed upon him, no less than that of making a funeral oration in memory of the Duke of Wellington. I can conceive no greater occasion, and it was an occasion on which the ablest speaker might have premeditated. Now what was the case? Our allies had seized this opportunity of sending from every Court of Europe representatives on that solemn occasion, to mark their respect for the memory of our departed hero. They were assembled here to take part in the solemn ceremony, around the grave of the illustrious warrior; and the right hon. Gentleman, then a Minister of the Crown and leader in this House, on that occasion pronounced a fit oration to the memory of the departed Duke; and, if I am not much mistaken, in that speech, our allies, being assembled here on such an occasion, and for such a purpose, were designated as our "scandalous and discomfited allies." An expression so used by the right hon. Gentleman could not, I think, have been altogether unpremeditated, and yet it was not happy. What was the next characteristic of that address? I think there was another passage in that speech which was a withered branch plucked from the funeral wreath of a French general, wherewith the right hon. Gentleman sought to decorate the urn of our immortal Wellington. Now, the right hon. Gentleman, who, I should say, was an "accustomed" speaker, should bear these things in mind, and when he remembers the speech to which I refer, he may, I think, exercise some charity towards those who on the hustings may perhaps have used an unguarded expression. But am I prepared to admit that I did say what he states I said? The right hon. Gentleman says the press is his escutcheon. I must also say that the leaders in the *Morning Herald* are his "supporters," and that his "standard-bearer" is to be found in the editor of an evening journal. The right hon. Gentleman asked a question with respect to the speech of my right hon. Friend the President of the Board of Control; but he did not ask me what were the words I used on the occasion to which he referred, and, in consequence of this omission, he has inadvertently ascribed to me words which I did not use. I never called the Emperor of France a despot or a tyrant, much less did I call the people of France slaves, or use any opprobrious expressions with regard to them. I will state to the House exactly what I did say. I was addressing a popular assembly who were friendly to the extension of the franchise, and I denounced the bribery which I believed had taken place at the late election. I went on to tell them that I thought they ought to remember how great was the liberty they happily enjoyed—that on the whole I did not think there was any country in Europe in which liberty was more secure than in this country—and that, although I could not support universal suffrage or secret voting, I thought every man whose station rendered him independent, and not likely to be led away or seduced, was a person well qualified to vote. I also said, beware of those who tell you that your liberties are insecure without universal suffrage and the ballot. I added, there is a nation close to your shores which possesses universal suffrage and the ballot; and so far from calling that nation by any opprobrious epithet, or using any contumelious expression in reference to them, I have a distinct recollection of using the words I am now about to state—namely, that in a nation, a most polished nation, celebrated in arms, in arts, in literature, and in science, the liberties of the people were prostrate in the dust at the feet of a single man. That was the expression I used on the occasion. I think the right hon. Gentleman has said that the people of this country hate coalitions. I think the people of this country hate mystification. They like the truth, they like to hear it spoken, and they dare to speak it themselves. But if any language used by me is unworthy of a British Minister, or such as would be held by this House to be inconsistent with that character, then I am not worthy to sit on these benches. Let the House say so, and I am ready to bow to their decision. But I must be allowed to add, that, although willing and anxious to maintain the most friendly relations with France, and though desirous that not one word should fall from me to excite their enmity, still, if I am not, either on the hustings or in this House, to say that which my heart dictates, and my mind and conscience approve, then certainly I am not fit to be a Minister, or to sit in the House of Commons. I am still, however, a member of a free community, which loves the truth, and dares to defend it, and which is still the guardian of this happy country, which, after all, is the last refuge of the liberties of Europe.

MR. MILNER GIBSON said, he regretted the reply given by the right hon. Gentleman who had just spoken to the proposal of the hon. Member for the West Riding (Mr. Cobden), to bring about, in conjunction with France, a reduction of armaments. The right hon. Gentleman, who was supposed to represent the policy of Sir Robert Peel, might read with benefit what Sir Robert Peel had said on this point in 1841. It was as follows:—

> "Is not the time come when the powerful countries of Europe should reduce those military armaments which they have so sedulously raised? Is not the time come when they should be prepared to declare that there is no use in such overgrown establishments? What is the advantage of one Power greatly increasing its Army and Navy? Does it not see that, if it possesses such increase for self-protection and defence, the other Powers will follow its example? The consequence of this state must be, that no increase of relative strength will accrue to any one Power, but there must be universal consumption of the resources of every country in military preparations. They are in fact depriving peace of half its advantages, and anticipating the energies of war whenever they may be required. I do not mean to advocate any romantic notion of each nation trusting with security the professions of its neighbours; but if each country were to commune with itself and ask —What is at present the danger of foreign invasion, compared to the danger of producing dissatisfaction and discontent, and curtailing the comforts of the people by undue taxation? the answer must be this—That the danger of aggression is infinitely less than the danger of those sufferings to which the present exorbitant expenditure must give rise. The interest of Europe is not that any one country should exercise a peculiar influence; but the true interest of Europe is, to come to some one common accord, so as to enable every country to reduce those military armaments which belong to a state of war rather than of peace. I do wish that the councils of every country (or that the public voice and mind, if the councils did not), would willingly propagate such a doctrine."

There could be no doubt, whatever might be said to the contrary, that the increasing armaments of England had relation to alleged augmentations in France. Nobody, he believed, denied that systematic endeavours had been made to alarm the public mind in this country, so as to get a more ready assent to our military and naval preparations; and the only fault he found with Government hitherto was, that they did not make use of their high position and authority to put an end to interested and ignorant clamours, and restore equanimity to the public mind. It was a bottomless pit this increase of defences and of armaments. Who could tell when they had atrived at the point of security and self-defence? The reason that was given in France for the necessity of increase in that country was, that England had set the example. In proof of this he would read an extract from the Paris correspondent of the *Morning Chronicle*. The Paris correspondent of the *Morning Chronicle*, in a letter from that city, dated the 5th of December, states—

> "That great excitement has been created in the Ministerial circles in France, by the announcement of the intention of our Government to strengthen our national defences, by increasing the Navy. He says that M. Ducos, the Imperial Minister of Marine, called together a number of the deputies representing Brest, Toulon, and other ports, and informed them that the military prepations which were taking place in England, imposed upon France the duty of greatly increasing the means of a powerful defensive attitude. The French Minister of Marine is reported to have said, in addressing the assembled deputies—'England had not only made a large increase to her navy and marines, and organised her militia, but she was, at the present moment, raising defences on her coast; and what showed that these operations were directed against France was, that she was fortifying the Channel Islands, which were within a few miles of the French coast, and rendering them much stronger than they ever had been before. Moreover, she was making a formidable and impregnable harbour for ships of war at Alderney, within a few miles of the French naval port of Cherbourg. It was impossible that France could accept this state of things. He therefore thought it necessary to inform them that the French Government thought it advisisable to put her seaports in a state of defence, in order that France might be prepared for whatever might occur. He declared that France would follow England step by step in whatever she might do. If England raised an additional naval force, France would do the same. It was absolutely necessary that France should follow the example of England in increasing her steam force. This increase of her steam navy was forced upon France by the conduct of England.'"

Let him remind hon. Gentlemen on the other side of the House that unless they applied the surplus revenue in abolishing taxes that would enable important branches of industry to be developed, their labourers would leave this country, wages in agricultural districts would be materially increased, and the difficulty of competing with foreigners in the production of corn would be greatly enhanced. Then, in an economical point of view, the question was one that affected everybody. The emigration that was going on was becoming a point of great importance to the employers of labour in this country, and to hon. Gentlemen opposite as well as to others. The landed proprietors were deeply interested in endeavouring to stay the tide of emigration, by applying the surplus of income over expenditure to the repeal of those taxes which prevented the employment of labour in this country. It was against this unlimited and indefinite increase of armaments that he was now speaking. He knew it was the custom of those who opposed their views to misrepresent them and say they were advocates for the abolition of all armaments and of non-resistance, and all that kind of thing. That was a very obvious *ruse* on the part of those who opposed them. But what they contended against was this indefinite increase of armaments, one country rivalling another, without any prospect of arriving at any conclusion. He therefore hoped that the First Lord of the Admiralty would reconsider his determination not to make any even the slightest attempt to bring about this mutual arrangement, especially as between France and England, between which countries it was a question as to the enormous increase of the Navy. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), had added a great deal of other matter of a political character to his speech, not bearing at all on the relations between this country and France. He entirely agreed with those who, in reference to the relations between England and France, condemned language of irritation, and this constant commenting upon the mode in which France should be governed. It was the conceit of Englishmen that they believed that no country could be happy or prosperous unless it had English institutions. Some went so far as to make it necessary that they should have the English religion as well as English institutions; and he had no doubt he could find gentlemen who would tell them that unless the precise views of some parochial vestry were introduced into a foreign country, all the people in that country were slaves and their rulers tyrants. He did not enter into these views. He wished that those high in authority, instead of making irritating speeches against forms of government abroad, would rather encourage a feeling in favour of liberty at home. He wanted to see more attention paid to our domestic liberties, and though it might be a cheap way of obtaining popularity by declaiming about tyranny in the antipodes, or despotism in some foreign country, he thought it would be better if these declaimers would have confidence in the people at home to trust them with more political power. But he had observed that some of those who were ardent on the platform in declaiming in favour of liberty abroad, were extremely timid at any proposal to give the people more power at home. He thought it was somewhat disengenuous to press these arguments about France and different countries as arguments against the adoption of the ballot in this country. He thought they had very little to do with what would be the effect of the ballot in this country. Now with regard to the liberal party, the right hon. Gentlemen (Mr. Disraeli) had chosen to insinuate that they had a Conservative Government and a Conservative Opposition, and that those who were called Radicals were merged into a species of Conservatism. He could only say, for one, that he never was a party entering into combinations either to support or to oppose any existing Government, and he should decline to express any opinion upon Her Majesty's present Administration until he saw their measures of reform. He thought that if it were true that four hours of a Cabinet Council were occupied on the Turkish Empire, they would have been better employed in considering the provisions of the English Reform Bill; and although he admitted that there might be reasons for postponement known only to those in power, he should have wished that the measure should have been introduced at least this Session, in order that it might have fairly come under the consideration of the country previous to its being brought forward in the Session of 1854. He gave credit to the Government for good intentions with regard to this measure of reform, because, knowing their great experience and ability, he was sure that they would not bring in any measure upon such a subject that would not be of that comprehensive character that would be calculated at least to settle that question for some fair period of time. He hoped, also, that the Government, having, as they had heard of late, so much approved of the freedom of the press, would not forget that, although we did enjoy considerable liberty in this country in reference to our newspapers and our public press, that we fell short, nevertheless, of entire and absolute freedom. He hoped that these expressions of feeling in reference to the liberty of the press might at least be taken as forerunners on the part of the Government that they would emancipate the press in this country, untax it, and give to the people of England the benefit of a full, free, and cheap dissemination of knowledge. He was sanguine that the Government would undertake that, as part of their public policy, because they had expressed themselves favourable to the cause of education, and he could conceive no auxiliary so powerful to the cause of education as a cheap and a free press, diffusing through all classes of the community cheap and useful information. With these opinions he would conclude, and would simply say, in reference to the insinuations of the right hon. Gentleman (Mr. Disraeli), that, although he might choose to say they had a Conservative Government, and a Conservative Opposition, he would find that the Members who represented the independent and intelligent Liberals of this country would be true to their principles, though they might not be induced to embark in any needless or vexatious opposition to the Government.

Mr. BAILLIE said, he would not follow the example of the noble Lord the Member for London (Lord John Russell), who attempted to divert the present discussion into one of free trade. They were met on the present occasion for the purpose of voting away the public money, and a fair opportunity arose for obtaining information on various points from the Government. If ever such a course could be found justifiable, it would be so on the present occasion, when they considered the peculiar circumstances under which the Administration had been formed—when they considered that it was composed of men who had differed all their lives on nearly all the great questions that had been discussed in Parliament—and when they considered that the House and the country had a right to full and ample information with respect to the views and intentions of the Government. The first question to which he should advert was that of Parliamentary reform, and what they had to expect, regarding it, from the present Ministers. They all knew what were the opinions of the noble Lord the Member for London, who last year brought forward a measure on this subject, and he had stated that evening that those opinions remained unchanged. They had also been informed what were the present opinions of the right hon. Baronet the Member for Carlisle (Sir J. Graham) on the subject. In a speech which he had delivered to his constituents previously to the late general election, and which therefore might be presumed to be considered as his political confession of faith, undoubtedly he presented himself in the foremost ranks of the advanced reformers of the day. But what were the opinions of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) on that subject? Did he agree with the opinions put forth by the right hon. Baronet? So far from it—unless public rumour was much less authentic in this case than he believed it to be—no sooner did the right hon. Gentleman receive the confession of faith from Carlisle, than, in concert with all his political friends, he proceeded to disclaim a participation in all the Radicalism and new-born zeal of the right hon. Baronet. But if those differences of opinion had since ceased, then it was due to the people of England, always jealous of the honour of public men, that they should be informed whether the right hon. Baronet would descend from that Radical mountain upon which he had placed himself to the Conservative plain of the right hon. Gentleman, or whether the latter would raise himself to the same lofty elevation as the right hon. Baronet. It was due to the respectable constituency of the University of Oxford that they should be informed whether henceforth they were to be dragged in the foremost ranks of the advanced Reformers of the day, and fight shoulder to shoulder with Chartists and Radicals. Then there was another question, not less important, and that was the religious question. What were the opinions of the chief Members of the Government as to carrying out the policy which dictated the Ecclesiastical Titles Bill? They all remembered the debates upon that subject, and the manner in which the policy of that measure was denounced by the right hon. Gentleman and the right hon. Baronet. Did not the several Members of the Government entertain irreconcilable opinions on that subject? He certainly was one who thought that Parliament was sincere upon that occasion. It never occurred to him at that time that they were engaged in a great political mummery; and he never expected to find, nor did he think the right hon. Gentleman was prepared to carry out, that policy, although he now sat in the same Administration as the noble author of the measure. But those were not the only Members of the Government among whom there appeared to be differences of opinion irreconcilable. There was the hon. and learned Gentleman the late Member for Athlone (Mr. Keogh)—a very important personage—the leader of the priest-party in Ireland—and Her Majesty's Solicitor General for that portion of the United Kingdom. He had taken care not only to say what were his own opinions, but what were the terms upon which he would consent to serve or support an Administration. The hon. and learned Gentleman made a speech to his constituents in October last, upon the occasion of a banquet given to him to celebrate his return to Parliament, and, after the health of "Our Sovereign Lord the Pope," was drunk, the hon. and learned Gentleman announced himself an advocate for universal suffrage, vote by ballot, and Sharman Crawford's Bill, and a determined enemy of the sacrilegious house of Russell. Having laid down these elementary articles of his political creed, he went on to say—

> "If any Peelite in the House joined a Whig Administration he would be their unmitigated, untiring, indefatigable opponent. He would not support any party who would not make it the first of their political measures to repeal the Ecclesiastical Titles Bill—he would not join any party who would not go much further than that—he would have nothing to do with any party that would not consent to remove from all Catholics in that country the intolerable burden of sustaining a church establishment with which they were not in communion."

Let it not be supposed that he blamed that bold, straightforward, and honest expression of opinion on the part of the hon. and learned Gentleman. Far from it; all he wished to know was this—those being the opinions and declarations of the Solicitor General for Ireland, were they prepared to subscribe to them? Would the right hon. Baronet (Sir J. Graham), who joined the hon. and learned Gentleman in denouncing the policy of the Ecclesiastical Titles Bill in that House, assist him in repealing it; or, having now taken a seat on the Treasury bench, would he now, in his turn, be prepared to bow to the decision of the country? Would the noble Lord the Member for London be prepared to assist the hon. and learned Gentleman in removing from the Roman Catholics of Ireland what the hon. and learned Gentleman termed the intolerable burden of sustaining a Church Establishment with which they were not in communion? These were questions upon which the feelings of the people of England had been deeply roused, and they must be answered. They had been told that the people of England loved not coalitions, and least of all would they tolerate a coalition which endangered the existence of those laws which, rightly or wrongly, they had been taught by the noble Lord to believe were necessary for the maintenance and security of the Protestant institutions of the realm. There were some hon. Gentlemen in that House who never lost an opportunity of reminding them they were the friends and associates of the late Sir Robert Peel. It would require all their own high character and all the lustre they could borrow from the glory that surrounded the name of Sir Robert Peel, to convince the people of this country that the coalition they had formed would not be effected by the sacrifice of those principles which Sir Robert Peel always advocated. And when the Prime Minister told them he knew no difference between a Liberal and a Conservative—that it was a distinction without a difference—such language betrayed an absence of political belief and a sacrifice of principle which struck at the root of all constitutional government. Such language might have been convenient to a Minister about to form a coalition composed of different political creeds and different religious denominations, but such language could not fail to destroy in the people of this country all faith in public honour and in public men.

LORD DUDLEY STUART said, he felt indebted to the right hon. Member for Buckinghamshire (Mr. Disraeli) for having occasioned this debate, as it had produced from both sides of the House the most earnest declaration of a desire to keep on good terms with the Government and nation of France; and that he considered to be of the utmost possible importance to the welfare of Europe and of the world. The right hon. Gentleman had made observations upon expressions that had fallen from Members of the present Government, and had stated opinions on the conduct of the press censuring the ruler of France. He (Lord D. Stuart) thought the press would not have executed its high functions if it had omitted to comment upon what was passing in the neighbouring country, and he did not at the time regard with any degree of disapprobation the complaints of the press or its observations. He thought it was no wonder, when they saw a man obtain supreme power by belying all his professions which he had made up to the last moment, that the press should censure conduct like that. At the same time he fully admitted that this country had nothing to do with the internal affairs of France. If that nation were willing to succumb to an absolute Government, that was their concern, and we had no business to interfere with it. But he did not mean that the press or the statesmen of this country ought to be silent on such a subject. They had a right to express their candid opinion, and that expression of opinion ought not to prevent a good understanding between this country and France, which he trusted would always continue. He had always believed that our nearest neighbour was likely to be our best ally, and he concurred with what the noble Lord the Member for London had said—that it was his opinion and belief, that, although the people of France might be contented to surrender their liberties for a time, yet, enlightened and advanced as they were in all that elevated man, and accustomed as they had been for a number of years to the enjoyment of free institutions, they would not long be deprived of those institutions, but by some means or other—he hoped by peaceable means—and without violent revolutions, they would reacquire those free institutions without which he believed no country could long continue to be happy. He had heard with great pleasure, both from the right hon. Gentleman (Mr. Disraeli) and the noble Lord (Lord John Russell), the recognition of the great importance to be attached to maintaining the independence of the Turkish Government. The contest with Montenegro had been referred to, and he agreed in what the noble Lord had said, that if they wished to see that problem solved, the way was to agree with France in the measures to be adopted. He hoped, therefore, the two Governments would remain as they had been, united together on all those thorny questions that arose in the Levant, and especially as to maintaining the independence of Turkey.

Order for Committee read.

MR. HUME said, he thought they were not only proceeding contrary to rule, but contrary to common sense. They were about to vote between 6,000,000*l.* and 7,000,000*l.* for the naval expenses of the country, and they ought, before they did so, to know by what means that sum was to be paid. It was important, because in December last, when the right hon. Gentleman the Member for Buckinghamshire proposed going into Committee to reduce certain duties, objection was taken by the present Chancellor of the Exchequer, who said they could not reduce a single tax unless they knew the means of making it up, and that, unless the income tax was renewed, there would be no means of allowing the reduction of a farthing. He (Mr. Hume) had great doubt whether they were warranted, as the income tax would expire in April next, in voting estimates before that day, unless the House should have affirmed the continuance of that tax. He understood that the income tax was to be proposed after the recess, and if the opinions of the right hon. Gentleman the Chancellor of the Exchequer, of the noble Lord the leader of that House, and of the President of the Board of Control, had not changed within two short months, then it was quite evident that there would be no modification of that tax. But he (Mr. Hume) was of opinion that unless that tax should be modified according to the wants and desires of the country, in order to do away with its injustice, the House would not re-enact it. In what a position would the Government then be placed? There was now a surplus of 2,500,000*l.* in round numbers; but if the income tax should not be renewed, there would be a deficiency of 3,000,000*l.* Why, then, should the House not have before them the present views of the right hon. Gentleman the Chancellor of the Exchequer upon the subject? On the 6th of December last, when the late Chancellor of the Exchequer proposed to go into Committee on the subject of the tea duties, the right hon. Gentleman (Mr. Gladstone) said he apprehended that, with regard to any reduction of those duties, no preliminary Committee was necessary, but that the then Chancellor of the Exchequer would introduce a Bill for that purpose without any previous proceedings. The right hon. Gentleman then proceeded to say:—

> "Now, the opinion which I venture respectfully to state to the House is, that such is by no means a regular, an advantageous, or, I would almost venture to say, a constitutional, order of proceeding. And, without pressing the right hon. Gentleman for any declaration of opinion at the present moment, I am desirous to state to the House, and to him especially, the grounds on which I venture to found that statement. They are partly of a general and partly of a special nature. We are going to make provision for the financial year that commences on the 5th of April, 1853. Now, when we are considering the provision for that year, the first thing which necessarily strikes the mind of every man is, that on the 5th of April the income tax, from which we derive more than one-tenth of our gross revenue, will have ceased, legally, to exist; and I put it strongly to the House and to the Government that the first duty of this House, in reference to the provision for that year must necessarily be to consider what course we are to pursue with regard to the income tax."—[3 *Hansard*, cxxiii. 982.]

Now, what he (Mr. Hume) would say was, that what was good for the goose was good for the gander. What the right hon. Gentleman, on the 6th of December, said ought to be done by the late Government, ought certainly, under precisely similar circumstances, to be done by the present Government. What said the noble Lord (Lord J. Russell) on the same occasion? The noble Lord said—

> "I think, however, that there is great force in what the right hon. Member for the University of Oxford (Mr. Gladstone) said as to the necessity of taking both the income tax and the house tax before we are asked to concur in any Resolution with respect to the relief of taxes."—[3 *Hansard*, cxxiii. 990.]

But was that all? The present President of the Board of Control (Sir C. Wood) said—

> "He thought the most convenient course would be to go into Committee of Ways and Means, when a Resolution might be proposed for the maintenance of the income tax, or the increase of the house tax."—[3 *Hansard*, cxxiii. 994.]

Here, then, were three great authorities objecting to the course which the late Chancellor of the Exchequer proposed to pursue. He (Mr. Hume), therefore, now wished to know why the income tax should not be at once brought forward? It was a question of the utmost importance to the country as to how that tax was to be levied; and was it not a fit and proper question to be mooted, acting upon the principle laid down by the right hon. Gentleman himself so lately as the 6th of December last? Why should not the present Government carry their own principles into effect? He knew of no reason, unless it was that when hon. Gentlemen crossed the floor of that House they left their principles behind them, and were prepared to adopt two modes of conduct according as it happened that they were in or out of office. He objected to the House voting any money until they knew whether the income tax was to be continued or not; and whether, if brought forward, it was to be proposed without alteration or modification. Instead of bringing it forward now, after it had been two years under consideration, they proposed to postpone it till after Easter, when the Act would have expired. He did not think the House of Commons would concur in re-enacting a measure fraught with such injustice. And if the income tax should not be renewed, would not the Government experience great difficulty in laying on new taxes, which would nevertheless be the only alternative? He wished to have an answer to that question, otherwise he should move that the debate be adjourned.

Viscount PALMERSTON said, he hoped the hon. Gentleman would not press his Motion to a division. His right hon. Friend the Chancellor of the Exchequer had already stated that the time must shortly come when he must make his financial statement, and then it would be his duty to state what were the intentions of the Government with respect to the income tax.

Mr. HUME said, he was perfectly aware of the anomalous situation in which the Government were placed, but the House had been told by the Government that the income tax was to be renewed, and that it could not be altered. He thought, therefore, that he was justified in moving that the debate be adjourned.

Mr. SPEAKER said, the hon. Member could not move the adjournment of the debate; he must move that the Committee of Supply be postponed.

Mr. HUME said, he objected to going into Committee now, and would therefore divide the House.

Question put, "That Mr. Speaker do now leave the Chair."

The House *divided* :—Ayes 164; Noes 28: Majority 136.

SUPPLY—NAVY ESTIMATES.

House in Committee; Mr. Wilson Patten in the Chair.

Sir JAMES GRAHAM: Mr. Patten, in calling the attention of the Committee to the Navy Estimates for the year 1853–4, which are now on the table of the House, I am happy to say that I am able to ask the Committee to assent to a Vote which does not propose to increase the naval force either in the number of seamen or of marines. The Vote which I am now about to propose is founded exactly upon the ground on which the supplemental Vote was proposed in November last. The principles then stated by Her Majesty's late advisers, when proposing that Estimate, are the precise grounds upon which I recommend for the ensuing year the maintenance of the exact force then proposed. It is not recommended by me to the Committee upon any ground approaching that of a hostile or distrustful character towards any foreign Power whatever. But I press this vote upon grounds which are not in any degree new to the Parliament of this country. They have been sustained by the Reports of two Committees to which the question of the Estimates at different periods has been referred. If the Committee will allow me, I will refer, first of all, to the report of the Finance Committee appointed in the year 1828; and subsequently to the report of the Committee over which my noble Friend the Member for Totness (Lord Seymour) presided in the year 1848. The Finance Committee of 1828 used these expressions: They declared it as their opinion—

> "That the establishments of this country should be regulated, not with reference to the unusual circumstances of the late war, or to the probability of being again called upon to make a similar exertion, but rather with reference to the policy of depending mainly on our Navy for protection against foreign invasion and for the means of attacking our enemies."

The report of the Committee of 1848 adheres to that policy, a policy which has been pursued up to the present time. They state that

> "This policy will be admitted to be most congenial to the habits and feelings of our countrymen, who have for a length of time been accustomed to look upon our naval power as the right arm of our strength and the main support of our national greatness."

Now, this is the opinion of the two Committees—whose Reports were made at a great interval of time—an opinion asserted in the strongest terms by the Finance Committee of 1828, and subsequently adopted and confirmed by the Committee which was presided over by my noble Friend. It has been well ascertained with respect to the naval branch, and still more with respect to the other branches of our defensive force, that the number of men rules the amount of money voted on all the other branches of the various estimates. Now, assuming that the circumstances of the present moment are the same as those which induced Her Majesty's late advisers to propose an increase of 5,000 seamen and 1,500 marines; and assuming that the Vote of that increase of force was right early last Session; I think I am also entitled to assume that the Committee I am now addressing will be of opinion that that increase which was right in November is not wrong now; and that they are not now prepared to reverse a decision so recently and unanimonsly adopted. Taking that assumption, until I hear it controverted—

and there was no difference of opinion on the subject stated when the proposition was made on a former occasion—I shall now shortly advert to the various items of the Estimate I am about to propose, the amount of which, as I have already stated, is ruled by the number of men voted. The increase of the total Estimate of this year, as compared with the Estimate of last year, including the supplemental Vote of November, is 459,522*l.* gross increase, from which I shall have to state a decrease, in various items, amounting to 59,617*l.*, so that the total net increase in this year's Estimate is 399,905*l.*, or, in round numbers, 400,000*l.* The main items upon which an increase has taken place are three: firstly, wages to seamen and marines, in which the increase is 193,211*l.*; secondly, victuals for seamen and marines, in which the increase, including the votes on the supplementary estimates for additional seamen and marines, is 70,919*l.*; and, thirdly, naval stores, &c., for the building and repair of ships, &c., in which the increase, including the supplementary estimate for steam machinery and apparatus for ships of the line, is 140,516*l.* And here I must do justice to my right hon. Friend, not now in his place, the right hon. Member for Portsmouth (Sir F. Baring), who preceded me in the office which I have now the honour to hold. I well remember that my right hon. Friend was a Member of the Committee of 1848, and that in the investigations which that Committee made into the subjects brought before it I happily, in the main, concurred in the opinions stated by my right hon. Friend; but I was not at all aware, until I recently acceded to the Admiralty, how much my right hon. Friend had effected in its administration during the period in which he presided over that department, how much he had done in carrying into full operation the recommendations of that Committee. The Committee will observe that it is now called upon to vote the pay and victuals of 45,500 seamen and marines. In the year 1847–8, when my right hon. Friend's administration of the Admiralty commenced, the year immediately preceding the year in which the Committee sat, there was voted for Naval Estimates, including the packet service, 8,060,985*l.*, the number of men voted on the naval force for that year being 41,580. The sum so voted in that year, then, including the packet service, was more by 950,736*l.* than the Vote I now propose; yet the Vote I now propose is for the pay and support, not of 41,580 men, but of 45,500 men; so that we are enabled to vote nearly 4,000 men more than were voted in 1847–8, and yet effect a saving in the money vote, including the packet service, of a sum approaching 1,000,000*l.* sterling. My right hon. Friend (Sir F. Baring) stated, and stated truly, the last time he proposed the Navy Estimates, that he had endeavoured to do much, and he had done much in his department, but he had never received credit for it. I will endeavour to do justice to the administration of my right hon. Friend. I am bound to say this of him, and to add, in justice also to my more immediate predecessor in office, that I found that departtment in admirable order, that I found the stores full, and every preparation made for the defence of the country; and I now with confidence ask this Committee not to increase the number of men voted in November, but to continue the force then voted for one year, and I have the satisfaction of stating again, that we shall be able to maintain a force of nearly 4,000 men more than we had in this service in 1847–48, with an outlay less by nearly 1,000,000*l.* as compared with that period, than the sum which was voted that year. It is due to my predecessors that I should insist upon these facts, because the satisfactory result is, in the main, due to their exertions, and to the effective manner in which they have applied themselves to carry out the recommendations of the Committee on which they and I served in 1848. A great proportion of the saving that has been effected has been effected in the civil departments of the service. I have thought, and I still think, that it will be quite possible to make still further savings in these departments; but the Committee will bear in mind that, even were no such further saving effected, the arrangements by which, with a large reduction in the money vote, of not much less than 1,000,000*l.*, we are enabled to add 4,000 men to the service, and to defray their pay and victualling, must fairly be regarded as a most important change, increasing so effectually as it does the maritime force of the country, at an infinitely less outlay than a smaller force so recently as 1847–48 was found to require. I will now refer to the principal items of increase. The first was the increase in the pay of the seamen and marines, 193,211*l.*, which is, of course, entirely dependent on the increased number of men voted. With regard, however, to the increase in the estimate for the victuals of these men—70,919*l.*, I have to state to the Committee that on almost every article consumed by our sailors and marines, there has been, in the course of the last two years, in the year 1853–4 as compared with the years 1851–2, 1852–3, a rise in the cost price of fully 10 per cent; on many articles, indeed, of much more, but, taking the average, of 10 per cent. The only other Vote which is now before us, No. 10, is for naval stores, for the building and repair of ships, and for the various articles which are provided for the use of the dockyards. Under this head there is an increase of 140,516*l.* Here, also, there has been a large increase in the price of all the principal articles consumed, which increased price goes far to account for a material portion of the increase in the estimate. In the price of English oak timber there has been a rise of 3 per cent; in the price of hemp a rise of 9½ per cent; in the price of copper cake, of not less than 24 per cent; in that of iron nails of 12½ per cent; in that of chain cables, of 17 per cent; in that of ironmongery goods, of 15 per cent; in that of iron, British, of 17 per cent; in that of pig-iron, of not less than 60 per cent; in that of copper and brass articles, of 20 per cent; in that of fire-hearths of 17½ per cent. The Committee will, I think, admit, after this statement, that the rise in the price of these articles of essential consumption for our ships and dockyards, accounts for the increase in this estimate, in a large measure, and in a manner beyond our control. There is another item of increase to which I think it necessary shortly to advert. In the supplementary estimates proposed by the late Government there was a vote for 100,000*l.* for the purchase and repair of steam machinery: without any undue rivalry on our part in relation to foreign Powers, the Committee will, I conceive, admit that it is absolutely necessary if we would maintain, I will not say our supremacy, but our equality at sea, that the great changes which are taking place in connexion with steam navigation should not be neglected by us. The application of steam machinery to line-of-battle ships, which France, which the United States, which Russia is so energetically adopting, cannot, expediently, be left unnoticed by Great Britain; and the machinery to be provided accordingly, and the change in the construction of our ships, cannot obviously take place without considerable expenditure. Provision was partly made in the Supplementary Vote of last year for that conversion, and it will be necessary to add now, towards the completion of the arrangement then decided upon, a further Vote of 50,000*l.* for the purchase and repair of steam machinery. I have now stated the items on which a material increase is proposed, the total gross increase on the estimates being, as I have said, 459,522*l.*, and the net increase, after deducting 59,617*l.* decrease, being 399,905*l.* To this decrease of 59,617*l.* I will now proceed to advert. There is a decrease in the scientific branch of 15,414*l.*; in Her Majesty's establishments abroad of 499*l.*; in new works, improvements, and repairs in the yards, of 8,192*l.*; in half-pay of 19,945*l.*; in military pensions and allowances of 7,399*l.*; in civil pensions and allowances of 8,168*l.*; in all, 59,617*l.*, or, in round numbers, 60,000*l.* This, deducted from the gross increase, left a net increase of 399,905*l.* The total estimate for the year, then, was 6,235,493*l.* against 5,835,588*l.* in the year preceding. In order that it may not be supposed that the reduction in the scientific department has been made at the expense of valuable results, I will beg to make a short statement on this head. The cost of surveying, which has been for some years greatly on the increase, I have considered may this year, quite consistently with all nautical objects of primary importance, be materially decreased, and the whole service in the hydrographical department reduced in extent. I may say, without any reflection whatever on the able officer who is at the head of the surveying department, that in consequence of the very natural care and caution on his part, which induces him to permit no survey to be published that has not previously undergone his own investigation, there has accumulated in his office a large arrear of unpublished surveys; and until this state of things is remedied by the publication of the surveys already so accumulated, I have considered that, without any detriment to the public service, but the contrary, the surveying in this department may, during the current year, to a large extent, be discontinued. In the harbour department, again, I consider that a considerable saving may be combined with public advantage in other respects, by bringing that department within the hydrographical department, and thus more directly under the superintending control of the Admiralty. With regard to the compass department, the able officer who was at its head is dead, and, with the advice of my naval Colleagues, I have considered it unnecessary to fill up the appointment. The special school which has been maintained for the instruction of naval apprentices in Portsmouth dockyard not having been found to answer its purpose, we propose to make an arrangement, by which the distinguished gentleman at the head of that school, still remaining at Portsmouth, shall have the general supervision of the dockyard school there, his assistance being also employed, under the surveyor, in giving mathematical suggestions in the construction of ships, and also in the selection from the upper school at Greenwich of masters for the naval service. Again, I must say I think the education of young gentlemen on board Her Majesty's ships of war may be placed on a more effective footing. At present there are quarterly returns made of the progress of these young gentlemen, but I doubt whether they are investigated with sufficient care. I am anxious, therefore, that the gentleman to whom I have just referred, should also extend his supervising care to this important branch of the service. I can confidently assure the Committee that, in my opinion, the reduction in the estimates, in the scientific branch, in the way I propose them, will in no degree impede the progress of naval education in our dockyards, or on shipboard. Another saving I have stated arises from the diminution in military pensions, half-pay, and allowances, caused by the number of deaths among the persons heretofore receiving these payments exceeding that of the salaries of persons newly placed on the list. The same is the case with regard to civil pensions, and we may anticipate from the same cause a progressive diminution under this head. I do not know that any further explanation is necessary on my part. I should say, perhaps, that no new works whatever are contemplated in the present year, except the erection of a factory which is considered to be urgently required for the repair of steam vessels at Keyham, in order to bring the docks and basins into immediate use, a construction which will cost 50,000*l.* I thought it my duty to summon a committee, composed of the most experienced officers in the steam factories at Portsmouth and Woolwich, together with the surveyor of the Navy and the superintendent of the dockyard at Plymouth, and I put it to them, 50,000*l.* being the utmost that can be allowed for this portion of new works in the present year, how could this sum be so employed, in the shortest time, as to produce the greatest public benefit; and the result of this reference was the application of the sum to the purpose which I have just stated. The hon. Member for the West Riding of Yorkshire (Mr. Cobden) appears to think that we are the only maritime country expending much money in the extension of naval works. I hold in my hand the Report of the Secretary of the Navy of the United States for 1852, containing all his propositions on the subject of that navy. Just mark the character of them. First, as to naval cadets. The number of naval cadets admitted in each year for the service of the whole United Kingdom was recommended by the Committee of 1848 to be limited to 100, the reason being that the admission of a greater number, introducing many more persons into the service every year than there were vacancies, the majority found but little chance of promotion, and it consequently occasioned disappointment and discontent in the service. As a check against this danger, the Committee of 1848 recommended that no more than 100 cadets should be admitted in any one year. My right hon. Friend the Member for Portsmouth (Sir F. Baring) found occasion to limit the number still more, and he applied the check that only 75 should be admitted in any one year. The regulation in the United States navy, it appears from this Report, is, that not more than 62 cadets in any one year shall be admitted, so that, after all, there is only a difference of 13 between their navy and ours in this respect. The next recommendation to which I will very briefly advert in the Report of the Secretary of the Navy of the United States, has reference to corporal punishment, which, the Committee may be aware, was in 1850, by a vote of Congress, abolished in the United States' navy. We find it stated in the Report that the whole discipline of that navy has been seriously relaxed and injured in consequence of that measure; and, more than this, that the comfort of the sailors is so materially lessened in consequence of the relaxed discipline arising from the change, that they are themselves clearly of that opinion, and desire that corporal punishment should be restored. The next point to which the Report refers is the construction of steam factories. On this subject the Secretary writes :—

> "In connexion with this subject I would call the attention of Congress to the necessity of authorising the establishment of one or more factories for the construction of all the machinery necessary to the complete equipment of the largest class of steamers. The great importance of such establishments to the Government is felt by this department, in the daily conviction that only by the command of such a resource may the Navy be promptly and surely supplied with the best machinery for the public vessels. The inspection and control of the work while in its progress, the assurance of the best material, and the punctual compliance with the demands of the service, are advantages that may only be efficiently secured by having the workshops under the command of the Government. The experience of the past will also fully demonstrate that this mode of supplying the machinery of our public vessels must be, in its general result, more economical than any other, and will certainly secure much the most reliable kind of work. The plans would be more uniform, failure of machinery less frequent, and the improvement of the models of construction more certain."

Such is the Report of the Secretary of the Navy of the United States to Congress in the Session of this present year. Now, I am bound to state that I have always been of opinion, and I still think the opinion sound, that new works should be as much as possible under contract; but the progress of steam navigation, and, still more, that of the application of the propelling power of the screw to our line-of-battle ships, undoubtedly renders it expedient that, for the purpose of repairs, we should have fully adequate steam factories at our great naval stations. With respect to one most expensive part of the machinery, namely, the boilers, now manufactured entirely in the Queen's dockyards, we propose to open tenders for a contract to supply boilers of every description; and we have given instructions to manufacture each kind of boiler, debiting the article manufactured with a fair share of the salary of officers, rental of premises, and value of plant, so as to make as fair as possible an estimate of the cost of production. A fourth recommendation of the Secretary of the Navy of the United States is, that there should be an increase in the number of seamen. It is not so large, or nearly so large, as has been proposed in this country; but still, with respect to marines, there has been a proposition to increase their number in the United States to about the same number as was proposed by the late Administration. A proposition is also made with respect to the dockyards. Their establishments are large and numerous; and still the proposition made is, that the very considerable cost of the dockyards should be increased. Without any undue jealousy in regard to establishments of this kind, I must state that the area of all the dockyards of this country is comparatively small. Taking Sheerness, Chatham, Plymouth, Portsmouth, and Pembroke, the area is somewhat less than the area of the single dockyard at Cherbourg, after all the expense we have incurred. With respect to Cherbourg, I believe it has a larger superficial area than all the dockyards of this country taken together. We don't ask for any increase whatever in any one of our dockyards; we only desire to give increased efficiency to those establishments. There is another point to which it is my duty to advert. Generally, at the same time the Navy Estimates are produced, the Estimate for the packet service has also been produced. Considering the jealousy entertained with respect to every shilling proposed to be voted for the effective service, it does surprise me that, on a recent occasion, there should have been so great a facility in passing that large Estimate. The Estimate this year would have amounted to nearly 875,000*l.* The Government, however, did not think it right to present that Estimate till it should have undergone the most careful revision; and a Committee has been appointed, following up the suggestions of the late Government, that an inquiry into the large expenditure with reference to particular boards should be instituted. A Committee has been appointed, over which the Postmaster General presides, and in which he is aided by the hon. Member for Hertford (Mr. W. Cowper), who has given much attention to the subject, and also by Mr. Bromley, on whom the late Chancellor of the Exchequer pronounced a well-merited eulogium. The whole of this Estimate will be subjected to revision by that Committee, and the Estimate will not be proceeded with till the Government are in possession of their Report. There is, however, a most important fact which has been already ascertained on the Report of another Commission, composed of two naval officers and two artillery officers, and which I think it my duty to state to the Committee. This large Packet Estimate has hitherto been voted under a double supposition. The Packet Estimate has been voted that the postal communications of this country, with its remote possessions and colonies, should be expedited by the aid of steam; but there has been a second object, which, I am sorry to say, on investigation, it is found cannot be realised. It was intended that these packets, in the event of war, should be rendered available for belligerent purposes. We have had a most decided opinion pronounced, both by artillery and naval officers, that any such expectation is delusive; that, speaking generally, a large number of our packets would, in the event of war, not be available for such a purpose, and that of 60 or 70, not above six would be convertible, and that that conversion would be very expensive, and occupy considerable time. Such being the case, it becomes the Government and this House to consider the whole subject. I know not whether it is necessary for me to detain the Committee at any greater length; but I shall be most happy to give the Committee the best explanation which it is in my power to give with reference to the various Votes on which hon. Gentlemen may ask for information; and I now beg, therefore, to put into your hands, Sir, the first Vote, which is—

"That 45,500 Men be employed for the Sea Service for the year ending the 31st day of March, 1854, including 12,500 Royal Marines and 2,000 Boys."

Mr. HUME said, he was gratified to see the right hon. Baronet at the head of a department which had received its greatest improvements through his agency, 1,200,000*l.* having, under the presidency of the right hon. Baronet, been deducted from the expense, and the department having, nevertheless, been rendered more efficient than before. No Member of the Committee on the Army, Navy, and Ordnance Estimates, had shown more attention to the subjects of inquiry than the right hon. Baronet; and it was to be anticipated that the Navy Estimates would be presented in a different manner from that in which they had heretofore been presented. With reference to the scientific branch, he (Mr. Hume) entreated his right hon. Friend not to allow the idea of economy to interfere with its efficiency. That would be in effect to incur a waste of life and of property to a great extent; and the right hon. Baronet's proposition for a reduction in respect of tidal harbours was also to be deprecated. He considered a saving of 1,200*l.* in this respect a false economy. With respect to the schools, he was not in a condition to say whether they had prospered or not, but he did not like the idea of removing the means of education. As to the general expenses, he trusted the right hon. Baronet would turn his attention to that subject, particularly with respect to contracts, for there were plenty of parties who would build ships of any size, and be answerable for their efficiency and service. He believed that Government establishments for this purpose would never answer, or ever be rendered effective. On the one hand they had such men as Greene, Wigram, and Napier, whose hourly attention was directed to the construction of ships, whilst the dockyards were mostly filled by parties for political purposes. He should never forgive the right hon. Baronet for employing his sacrilegious hand in the destruction of the Naval School of Design, and regretted that he had not re-established that institution. The advantages of such a school had been felt in France, Spain, and Sweden; and nothing but an institution of a similar scientific description would enable us to keep pace with the rest of the world. He was delighted to hear that repairs only were to be carried on at the dockyards. He could not help contrasting the expense of our establishments in this respect with those of the United States. The whole expense in the United States was 8,000,000 dollars, whilst the materials in our dockyards cost nearly 1,000,000*l.*, and, including wages, our expenditure was twice as much as that of the whole service of the United States. Whilst our establishments went on increasing, those of the United States were decreasing. At the end of the war the United States had 68 captains, 97 commanders, and 327 lieutenants, and that number had been considerably reduced. When the right hon. Baronet was in office before, the establishment at the dockyards was under 6,000 men. The number at present was 9,000—a sufficient number to build the whole of our Navy in the course of a year. The evidence given before the Committee showed that between 1828 and 1848 no fewer than 308 ships were built and launched. Many of them were afterwards pulled to pieces and destroyed; and he believed it would have been much cheaper to have paid the wages of the men without employing them in such a mischievous manner. We had now 235 ships in commission, and 200 out of commission; and he considered it a monstrous waste of public money to build ships, and then lay them up to rot. When our ships were not wanted abroad, let them be brought home, and be made available in case of need. With respect to the mail service, he was glad to hear that a commission was to be appointed to inquire into the subject, and he would suggest the propriety of establishing through that medium an ocean penny postage, which would only be discharging a duty to our colonies. After the speeches which had been delivered to-night, he trusted no more false alarms would be raised, and that on another occasion the Government would show their confidence in the assurances they had given of the existence of such a friendly spirit by a large reduction of our forces.

Sir THOMAS ACLAND said, he was as sincere a friend of wise economy as the hon. Gentleman who had preceded him; but he believed that the best measure of wise economy was to be sought for in the efficiency of the service. He should extremely regret if, for so small a sum as 15,000*l.*, any check should be put upon the most valuable labours of a scientific department connected with the Admiralty,—he meant the hydrographical survey department. Considering the station which England occupied, and the influence with which she was intrusted for beneficent purposes over the whole of the oceans of the world, it was a great disgrace to us when any other country was earlier or more effective in its contributions to the naval knowledge of the coasts. He implored his right hon. Friend to consider whether, for so trifling a sum, a check should be imposed upon this important department. He wished also to impress upon his right hon. Friend the importance of completing the works at Keyham. The docks there were absolutely requisite for steam navigation. At this moment he understood they were perfectly useless. In time of war, however, they would be actually indispensable, and he hoped that the requisite sum of 50,000*l.* would soon be laid out; and if that should prove insufficient, that his right hon. Friend would not hesitate to ask for a Supplementary Vote before the close of the Session.

Mr. STAFFORD said, that not now being intrusted with the Navy Estimates, he thought he should be best discharging his duty by assisting the right hon. Gentleman opposite; and he must say that it had been the opinion of the late Board of Admiralty that it would be desirable to make a considerable reduction in the hydrographical department. They had felt that, by the exercise of greater vigour in the survey, a smaller sum might prove as efficient as the larger sum under the present management.

Mr. W. WILLIAMS said, he must remind the House of the enormous expenditure on stores and materials in the dockyards since the peace, and he would ask whether there was to be no end to this. He could not blame the present Government for the increase in the Naval Estimates, because the country had demanded an increase for the purpose of defence. Since the peace, above 16,000,000*l.* had been expended in stores for the dockyards, one-half of which sum would have built a navy superior to any in the world. He begged to call the attention of the right hon. Baronet to the non-effective service, in which, during the last thirty years, a diminution of only 21,000*l.* had taken place. Let the Committee notice the immense number of idle admirals we had to pay; the whole number in commission was eleven, and he believed that more than half of them were Port Admirals, employed in a service to which there was no duty attached. It was very desirable that attention should be given to the subject of savings banks, which were so useful in the mercantile navy. He begged to contrast these estimates with those of the present First Lord of the Admiralty, when he held that office before; but he had more faith in the right hon. Baronet than in any one who had presided over the Admiralty in his time, and he hoped we should next year have evidence of his economy—such economy as he exercised at the Admiralty before. It was to be hoped he would also make the service more efficient. It really seemed as if we were never to be in a state of security. He (Mr. Williams) had no apprehension of aggression from France. The Emperor showed less disposition to augment the navy than Louis Philippe.

Captain SCOBELL said, he must dispute the statement which had been made, that steam had made us more vulnerable than before. If war should come, we should find that the defence of England was as much served by science and by steam, as the facility of the approach of an enemy was increased. With the Channel fleet now proposed, we should soon see that. We should find the rapidity with which it could be moved long before an enemy could land troops, and, much more, materials. But as the right hon. Gentleman (Mr. Disraeli) had talked of a Channel fleet of fifteen or sixteen sail of the line, with frigates and smaller vessels, he (Captain Scobell) would warn the authorities that it would be most unwise to have more ships than they wanted. If we had fifteen or sixteen sail of the line in the Channel, and the French had none, we should make them jealous, and they would endeavour to rival us, and increase their navy, which they were not doing now. It must be remembered, too, that the cost would be 800,000*l.* a year. The Admiralty had such a frequent change of masters as no service could bear; why was it not conducted like the Horse Guards? The First Lord of the Admiralty had quoted from the Report of 1828, in which the Navy was called the right arm of the country; but last year the Navy was forgotten, and the militia made the right arm. With a good and sufficient naval force, the country would be safe from sudden surprise. The right hon. Baronet had quoted the examples of France and America as grounds for increasing the naval force of this country—though the right hon. Gentleman did not state to what extent. Now America, he (Captain Scobell) believed, had only two or three line-of-battle ships altogether, and not a single ship of the line. As regarded France, she had only three screw line-of-battle ships afloat and one on the stocks, while we had eight afloat and thirteen on the stocks—though he admitted that France had five other ships of the line building, which she might be induced to convert into screws when she heard what we were about. Much had been said about Cherbourg; but surely it was hardly to be wondered at that France should have at least one port in the British Channel for her line-of-battle ships; and it should always be remembered that Cherbourg would never come to us, and if we only kept a sufficient Navy he felt sure it would never do us any harm. Something had also been said about contracts. He approved of doing everything by contracts that could possibly be done, and he would take the liberty of throwing out the hint to the present Board of Admiralty that he threw out to their predecessors, namely, that if they would select by ballot or otherwise four of the principal builders of steamers, and give each of them a contract for a vessel, telling them merely for what number of guns, and of what tonnage—and leaving them to please themselves—he would answer for it that they would build much better steamers than were built in our own yards. Something had likewise been said about the large number of admirals (278 there were, he believed, of all descriptions), but this was the natural consequence of the other parts of the list. The Government must begin to correct the evil lower down. They must first cure the crowding at the bottom. He would remind the Committee, that in America and France they limited the number of officers; here, out of about 4,000 officers, only an eighth were afloat; and, as to the rest, we must see how their knowledge, which they had acquired as midshipmen, must be wearing away. Some great naval reformer was necessary to take this subject in hand, so as to make the Navy less expensive and the force more efficient for the duty which the country expected from them. There was another point, about which nothing had been said that night, but upon which he hoped the right hon. Baronet would be able to give them some information during the sitting of the Committee—he meant as to what hope there was of an early Report from the Committee appointed by the late Admiralty to consider whether a better mode could not be devised of entering seamen. With regard to the dockyards, he begged to say that the right hon. Baronet the present First Lord, who had done so much in introducing economy into that department on a former occasion, without diminishing its efficiency, had a plentiful harvest yet before him, without at all interfering with anything which it was necessary for the dockyards to perform.

Admiral WALCOTT said, he was decidedly of opinion that England ought always to be placed in the best position for repelling any act of possible aggression that might be committed against her. He believed that that was the attitude best calculated to insure a durable and honourable peace, as well as to promote the extension of our commerce and the stability of our institutions. On the efficiency of the fleet mainly depended the security of the country; and the system of impressment having been altogether abolished, the country could not look entirely to raw levies for its defence. The present system was eminently vicious, and he hoped they would soon provide some remedy for it. There was at present a Committee of experienced officers sitting on the subject of the best mode of manning the fleet, whose Report was looked for by the profession with intense anxiety; and until that Report was laid on the table, it would, of course, be premature to enter into any discussion of the matter. He would take the liberty, however, of calling the attention of the First Lord of the

Admiralty to the advantage that would accrue from commissioning a ship for five years instead of three, as the expense of one outfitting and paying off would thereby be saved in ten years; and he thought that in ordinary cases a ship was quite fit to continue in commission for five years. He thought the hon. Member for Lambeth (Mr. W. Williams) had spoken in an ungenerous and very disparaging spirit respecting the admirals. Now, unfortunately, he (Admiral Walcott) was one of that class, and he might be allowed to say that he had always used every effort to obtain employment, but he had always been unsuccessful. That was his calamity and misfortune; but for twenty-two years he had omitted no opportunity of stating that he was ready for any description of service, and to proceed to any station whatever. That was the lot, also, of many other officers, and now, when he thought—God forgive him if he thought wrongly!—that there was still some work in him which might have been of advantage to his country, had he been employed, he found himself, with a broken spirit, on the reserve list. He hoped attention would be given to the promotion of officers of merit, and that mere considerations of private feeling and political interest would not be allowed to prejudice the service. He might say that he believed every admiral on the list had served at least thirteen years during the war, and he thought it was a blot on the escocheon of this country that such men, when their services were no longer needed, should be spoken of in a disparaging manner. They had served their country faithfully in the last war when they were needed. But he knew that the gentlemen of England, to whom he appealed, would always honour them and do them justice.

Mr. HUME said, he thought the hon. and gallant Officer had misunderstood his hon. Friend the Member for Lambeth (Mr. W. Williams), who, he was sure, was far from wishing to disparage the services of such men as the gallant Admiral, but who had expressed his objection to the promotion of young officers, who had not the experience which resulted from such services as those of the hon. and gallant Officer.

Sir JOSHUA WALMSLEY said, he wished to ask the First Lord of the Admiralty whether it was the intention of the Government to take any means for placing the port of Liverpool in a better state of defence? He need scarcely say that there was at all times a large amount of property in that port, which was almost entirely unprotected, with the exception of the difficulties arising from the navigation of the Mersey, and a small fort, which he believed was of very little use.

Sir JAMES GRAHAM said, he would first answer the last question that had been put to him by the hon. Member for Leicester (Sir J. Walmsley), who, he was glad to see, was quite alive to the necessity of protection being provided with reference to that great emporium of commerce. The defence of Liverpool had not altogether been overlooked by Her Majesty's Government. At this very moment a steamer of war had been ordered to go there, and measures would be taken, if it should be thought necessary, in the course of the summer, to provide for the further defence of that port. Having now answered the question of the hon. Gentleman, there were several other questions to which he would take that opportunity of replying. But, first of all, he wished to make one general remark on what had transpired in the course of the debate, that notwithstanding all that had been said of reforms and of the love of economy in the abstract, the great pressure upon him that night had been not on account of the expenditure, but with respect to the saving which he had endeavoured to effect. He had now to defend these reductions. In the first place, he had attempted to make a reduction in the expense of the scientific department to the extent of 15,000*l.* a year. That was a reduction from the scale which had been adopted for three previous surveys on the home station. He had stated that such was the caution of the existing hydrographer, that he would publish no survey until he had revised it; and it must be admitted to be very desirable that our surveys should be as correct as possibly they could be made, but yet until they were published, of course they were useless. He had stated, therefore, that the great care of the hydrographer had accumulated a large number of unpublished surveys in the office. It was impossible to have a more able, diligent, and effective officer than the present; but with all his ability and all his care, the surveys unpublished had accumulated on his hand. And he would show what was the effect of that. The hon. Gentleman (Sir T. Acland) said truly that the surveys of our own coasts were of the highest possible importance. There were surveys made of some of our navigable rivers, where the sands had shifted, ten years ago; all that time these sands were still shifting, and it was possible that the surveys, when published, would be worse than useless. That was a consequence which the Committee could not wish to see multiplied, and all that he had done in the circumstances was to reduce the expenses to what they had been the year before last. He had distinctly stated that the surveys had been proceeded with since the Report of the Committee; but it was found to be a matter of the utmost necessity to arrest their progress until the publication could be made to follow more closely upon the survey. Again, as to the vote for Keyham harbour, he begged the Committee to bear in mind that the sum spent upon the works there was no less than 851,000*l.* The vote last year was 40,000*l.* As to the vote this year, although, as he had stated, the vote for the effective service was very much increased, and it was thought desirable not to add any new works, yet he had added 10,000*l.* to the vote of last year, and, instead of 40,000*l.*, he asked 50,000*l.* But prior to taking any step in that matter, he had had the advantage of the advice of the most experienced officers in that particular department—the officer at the head of the steam factory at Portsmouth, and the officer at the head of the steam factory at Woolwich. He had said to these gentlemen, first of all produce a plan that will work, make your plan the most perfect, and shape your course definitely. They had followed that advice, and produced a plan of the works. The hon. Member for Lambeth (Mr. W. Williams) had commented upon the half-pay service, and was dissatisfied with the slow reduction that had been made. This very year the sum of 20,000*l.* had been saved upon the half-pay list. But the hon. Gentleman thought that some reform of that list ought to be effected, and he had received a spirited and manly answer from the gallant Admiral opposite (Admiral Walcott). The whole Committee, with him (Sir J. Graham), would regret, not from any fault of his, but from the inexorable rules of the service, that the gallant Admiral was not now upon active service, the duties of which, he had no doubt, with that vigour which he possessed, he would discharge with honour. The hon. Member for Lambeth ought to know that the one great reformer from whom none of us could escape—that great reformer, Death—was doing the work which the hon. Gentleman complained was left undone. He said, stop your promotions. They had stopped their promotions under the most rigorous rule, for there could be no promotion in any rank up to a captain, unless it were preceded by three deaths among the superior officers; and his right hon. Friend the Member for Portsmouth (Sir F. Baring) had limited the list of cadets to be admitted annually to seventy-five. But it had been said, why should the inquiries of that Committee not be continued? He must say, that not a step had been taken without inquiry. He must do his right hon. Friend (Sir F. Baring) justice in his absence, and say that he had instituted the most rigid inquiries. Lord Auckland, when First Lord of the Admiralty, indeed, had begun the practice; but the real merits belonged to his right hon. Friend. The effect of these inquiries and exertions had been that there was a saving of 1,500,000*l.* a year from the dockyards alone; and the real credit of that was due, in the first place, to the Report of the Committee, and next to the fidelity with which his right hon. predecessor had carried their recommendations into effect. It was said there had been no reduction. There was a money reduction to the amount he had stated, and there was a reduction of the men also. There were 15,000 men in the dockyards when the Report was made: there were no more than 9,500 at that moment. Another great evil complained of was the use of political influence with relation to those in the dockyards. When he was at the Admiralty formerly, he had been able to introduce extensive changes, and he had made the utmost exertions to put the dockyards under the immediate superintendence and control of one officer; he had put down three subordinate boards, and centered the whole under the united responsibility of the Board of Admiralty. The effect of that now was, that a person, once admitted into the yard, just as it was on board a ship, promotion was open to him for good conduct, and nothing could prevent his promotion but his own misconduct. The superintendent had the power of raising him, and the power of disrating him was in the same hand. He admitted that considerable laxity had crept in previous to the year 1848; but his noble Friend the Member for London, in 1848, when the use of political influence was challenged as affecting promotions and admission into the dockyards, gave his most solemn assurance that it should be put an end to. Since he (Sir J. Graham) had returned to the Admiralty, he had seen the regulations that had been framed for that purpose by Sir Henry Ward; and he must add that, if he, the author of the remedy, had proposed drawing up regulations to attain his end, he should have framed them in the spirit of these regulations. Again, there might have been some departure from them, he did not say to any great extent; but his attention had been called to the subject, the regulations had been revised, and it was the intention of the Government to embody the regulations in an Order in Council to give them the greatest sanction. However, he agreed in the opinion which had been expressed that if they were to have another Reform Bill, the advantage of the service and the good of the men in the dockyards would require that, as in the Post Office and the revenue departments, the men in the dockyards, while continuing in the service of the Crown, should have their franchise suspended. As far as he was concerned, political influence should not be allowed to intervene in the distribution of patronage. He was aware that nothing was so hard as to give that promise, the pressure on the authorities being extreme; but the duty was sacred, and to the best of his ability he would endeavour to perform it. Having looked around him since his return to the Admiralty, he found so much had been done and followed up mainly by the Government immediately preceding him, that he should deceive the Committee if he held out the hope that, while maintaining the present force, as he hoped they would, there could be any large reduction in the expenditure. The number of men, it was said, ruled the whole of the estimate; all that followed was in proportion. This year, however, they had undertaken, without any increase in the estimates, to provide for 6,500 more men, or an addition of one-third the number. It was gratifying to add, that notwithstanding the inducement of high wages held out in other quarters, out of 5,000 men paid off, one-half of that number had volunteered again into Her Majesty's service. That was a proof that naval officers, when their ships were manned, did not abuse their authority. Everything that could possibly have been thought of had been done to check the abuse of power; and with respect to corporal punishment, he rejoiced to say that it was greatly decreasing. By a vote of Congress of 1850 it was abolished in the United States, and the following were extracts from the Report of the Secretary to the American Navy on the subject:—

> "The multiplication of courts-martial, and all the consequences of an increase of disorder and crime, are among the least of the apparent and growing evils of the new system. The demoralisation of both men and officers is a yet more observable consequence. The absence or prohibition of the usual punishments known to seamen, has led to the invention of new penalties of the most revolting kind, in the application of which full scope has been given, and the strongest provocations administered to that exhibition of temper and passion which, however natural it may be to men of hasty and exciteable natures, is seldom indulged without leading to cruelties that must disgrace those who practise them, and, what is more to be feared, raise a sentiment in the public mind hostile to the Navy itself.
>
> "The difficulties arising out of its abrogation, and the absence of any substitute for it, now constitute the most prominent obstacle to the ready supply of our squadrons with seamen. This department is familiar with complaints from the recruiting stations, of the difficulty of enlisting the better class of seamen. Of that large number of men who have heretofore constituted the pride of our Navy by their good seamanship and highly respectable personal deportment, composing, I rejoice to say, the great body of the mariners who have sustained the honour and the glory of our flag, in its most perilous as well as in its most useful career—of these men, it is a fact which invites the deepest concern of Congress, we are daily deprived by their refusal to enter again into the service, until, as they ask, they shall have some assurance that a better system of discipline may be restored.
>
> "Looking at the state of things in the Navy, I think the occasion propitious to the adoption of a new system for the organisation and government of the whole material constituting the crews of our ships; and I take advantage of the present time to submit to your consideration the outline of a plan which, I trust, will engage your attention, and receive the approbation of Congress."

That was the view taken by the American Government, and it was also the view taken by the British Government. It was adopted in no spirit of rivalry or hostility towards any other Power. He therefore, cordially recommended the Vote to the Committee.

In reply to Mr. HUME,

SIR JAMES GRAHAM said, that, with regard to surveys and the publication of them, he only proposed to take a vote for six months for the Harbour department, in order that the department might be revised. With regard to savings banks in the Navy, he could only say, that the success which had attended the introduction of the system into the Army, had induced the Government to turn their attention to the subject with the view of establishing them in the Navy. He might also mention that he proposed to include in the Navy Estimates the small sum of 100*l.* each for the Sailors' Home at Portsmouth and Plymouth.

Vote *agreed to.*

(2.) 1,736,236*l.*, for Wages.

Sir GEORGE TYLER said, he wished to know what regulations were in force respecting the office of paymaster? He wished, also, to know whether it was the intention of the Government to make such a disposition of the forces as to give that protection to the Bristol Channel of which it was at present entirely destitute?

Sir JAMES GRAHAM said, that the arrangements made by the late Board of Admiralty with respect to the allowances to paymasters would have full effect given to them. With respect to the second question, he had to state that a steamer of the first class had lately visited the Bristol Channel. She had now gone to the Mersey, and it was intended that the Mersey and the Bristol Channel should in future be visited by ships of war from time to time.

Mr. WHALLEY said, he wished to call the attention of the Government to the subject of the measures to be taken for the protection of our trade in the Mediterranean from piracy; and to the discreditable contrast which existed, as compared to the French Government, in our relations with the Morocco pirates. Last year an English ship called the *Violet* was captured by these pirates, who also about the same time took a French ship. While no compensation had been obtained by the English Government, the French, who had bombarded Sallee, had obtained very ample redress in a grant through the intervention of our consul. This inattention to the interests of our commerce had caused a panic amongst our small Mediterranean traders, and had led to a repetition of these attacks by the Morocco pirates very recently.

Vote *agreed to;* as was also—

(3.) Vote for 615,426*l.* for Victuals.

The House *resumed.*

OFFICE OF EXAMINER (COURT OF CHANCERY) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MULLINGS said, that as a determined enemy of jobbing, he would move as an Amendment, "That the Bill be read a second time that day six months," unless the hon. and learned Solicitor General gave a satisfactory explanation of a measure which seemed framed on a very extraordinary principle.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

The SOLICITOR GENERAL said, this Bill had been introduced simply to remedy an inadvertent omission in a previous Act, and there was not the least ground for the suspicion that any sort of job was contemplated.

Mr. WALPOLE said, he quite concurred in the statement of the hon. and learned Solicitor General. When the Act of last Session was passed, it was considered advisable, in making the requisite reforms in the Court of Chancery, that if the duties of any officer should be altered, that officer should be at liberty to retire with a pension, to be regulated by the Lord Chancellor. The question was raised whether the examiners should not, like the other officers of the Court, be at liberty to retire; and he (Mr. Walpole) thought it reasonable that they should have that option. Perhaps, however, it might be desirable to read over the wording of this Bill more carefully in Committee.

Mr. MULLINGS said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°

THE JEWISH DISABILITIES.

Mr. WALPOLE: Sir, the noble Lord (Lord John Russell) has given notice that, on Thursday next, he will bring forward a Motion for the purpose of considering the Jewish Disabilities. A notice of Motion has also been given for the same day by my right hon. Friend the Member for Droitwich (Sir J. Pakington), which will take precedence of the noble Lord's Motion, and will probably occupy a considerable time. What I wish to ask of the noble Lord, in consequence of various requests made to me by several Members of this House, is, whether the noble Lord intends to bring forward his Motion on that day, supposing the discussion on the previous Motion shall last to a late hour, or whether, in such a case, he intends to bring forward his Motion on a subsequent day, and, if so, on what day? Perhaps it would be convenient that I should inform the noble Lord and the House, that having considered the question, we propose to take the discussion and division on that Resolution, thereby trying the question at once in a new Parliament, instead of waiting for the second reading of the Bill.

LORD JOHN RUSSELL: If I can bring it on before eleven o'clock, I will do so. If the discussion on the previous Motion should last longer, I will postpone it to a future day; but it is very difficult to find a day.

The House adjourned at a quarter after One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, February 21, 1853.

MINUTES.] *Took the Oaths.* — The Lord Dorchester.

PUBLIC BILLS. ROYAL ASSENT. — Transfer of Aids; Stamp Duties on Patents for Inventions; Valuation Act Amendment (Ireland).

THE SIX-MILE BRIDGE AFFRAY.

The EARL of CARDIGAN rose pursuant to notice to put a question to Her Majesty's Government relative to the late occurrence at Six-Mile Bridge, and to inquire whether it is the intention of the Government to prosecute the Irish priests for their conduct on that occasion whom it was the intention of the late Government to prosecute? His Lordship said, that since he had last had the honour of addressing their Lordships upon that subject, he had received some authentic information from Dublin, from one of the highest legal authorities, with regard to the present position and the prospects of those poor soldiers, who, it was understood, were about to be tried at the assizes in Ennis, which were to be opened to-morrow. He had been informed of a circumstance which certainly appeared to him to bear very hardly and very unfairly on those men—namely, that up to Wednesday last no intimation whatever had been made either to them or to Mr. Delmege, the civil magistrate in the neighbourhood of Six-mile Bridge, as to whether they were to be prosecuted by the Crown lawyers or not. The noble Earl at the head of the Government, in replying to a question which had been put by him (the Earl of Cardigan) on a former occasion, had asked, why had not the Attorney General of the late Government entered a *nolle prosequi* against any further proceedings in that case? Now he (the Earl of Cardigan) had been informed on the very best authority, that in such cases as arose out of the finding of coroners' inquests, it had not been usual to enter *nolle prosequis;* and the late Attorney General for Ireland had not considered it right or proper to pursue such a course in the present case. That right hon. and learned Gentleman had further thought it unnecessary that he should do so, because the inquisition had been taken into the Court of Queen's Bench, where the question of the legality or illegality of the finding had been argued, and a decision given in favour of its legality; and that finding would naturally have gone back to the Court of Queen's Bench, and could only be removed from that Court by the Irish Attorney General himself; and unless it should be so removed it would be of no more value than so much waste paper. There was a very remarkable precedent bearing upon that point. A few years ago a coroner's jury, who had inquired into the deaths of certain poor Irish people who had perished from famine, had brought in a verdict of wilful murder against Lord John Russell and his Colleagues. That verdict had been transmitted to the Court of Queen's Bench; and the Attorney General of that day had not thought it necessary to enter a *nolle prosequi*, because he could never suppose, nor could any body imagine, that if by any chance there should be a change of Government, the Attorney General of the succeeding Government would prosecute Lord John Russell and his Colleagues for wilful murder. It had been thought that that precedent would have been followed in the present instance, and that if the inquisition, as it was called, had been allowed to remain in the Court of Queen's Bench, no further steps would have been taken in the matter. It appeared, however, that in the course of last week the inquisition, and all the documents connected with it, had been taken out of the Court of Queen's Bench by the present Attorney General for Ireland, and transmitted to the county of Clare. It was pretty clear that under those circumstances Her Majesty's Government were going to employ the Crown lawyers to prosecute those soldiers. That would, in his opinion, be an act of great hardship to those men; and he thought that they had further been treated with much cruelty and unfairness by the omission to give them any notice, until Wednesday last, as to whether they were to be prosecuted or defended by the Crown lawyers. He believed that was a very unfair course to pursue towards an honourable portion of a very well-conducted Army. These soldiers, however little they might be thought of, belonged to an Army which, in every quarter of the globe, and often under the most contagious climates, discharged with patience and courage some of the most onerous duties to which man could be subjected; and had not that Army always displayed, not only that courage which was natural to them in action, but the greatest heroism and devotion to duty under the most trying difficulties. He would cite one or two instances of the spirit by which they were animated. A body of that Army had stood as firmly and as steadily as if they had been on parade on board a sinking ship, had allowed helpless women and children to be saved, while they themselves remained apparently careless of their own lives, and suffered themselves to be swept off the deck, and had passed into eternity in silence, or only perhaps murmuring a humble prayer for forgiveness for the failings of their past lives. Then, again, the other day, two or three men, under perhaps rather a mistaken sense of duty, had, in obedience to the orders which they considered they had received, attempted to force their way through impassable snow, and in the endeavour rigidly to execute the task committed to them had met a miserable death. The people of this country, although they hated that Army, could not dispense with its aid; and on the first appearance of an outbreak, its services were always eagerly invoked. Those were the men who were hated, he knew, by the people of this country, but who, when it was necessary to protect the lives and properties of the inhabitants of large towns, were waited for with trembling anxiety. To show the confidence the people had in even the smallest bodies of this Army, he might mention, that upon one occasion the chief magistrate of a manufacturing town of some 30,000 or 40,000 inhabitants, in soliciting the aid of the troops under his (the Earl of Cardigan's) command, had told him that it was an old opinion in that town, that if they had at any time a score of Dragoons among them they were perfectly safe. If he had correctly described the character of our soldiers, were not the Government bound to support them, and to defend instead of prosecuting them? If the Government were to prosecute the men engaged in the Six-mile Bridge affray, a very serious injury would be inflicted on them, because the very fact that they had been prosecuted by the Crown lawyers for murder, would leave a stigma on their character, whatever might be the result of the trial; and if they should be found guilty, there would attach to them a double stigma, which no subsequent remission of the sentence by the Crown or its representatives could remove. He said they were bound to uphold the honour and character of their Army; and that the course which it was possible, and even probable, according to the latest accounts, that the Government were about to pursue in the case to which he was then referring, would be an insult and an affront to those soldiers, to the regiment to which they belonged, and to the Army of which that regiment formed a component part. He would not pursue that subject further; but he could not help humbly expressing upon that occasion his lamentation over the fate of the unfortunate country in which that occurrence had taken place—a country not only torn to pieces by civil discord and religious animosity, but tossed about by the changes and the unsteady course adopted by the Governments which so frequently succeeded one another in that country, each of whom reversed many of the orders of their predecessors. But unhappy as was the present condition of that country, he said that it would be much more unhappy if, by oppression and injustice, the Government were to alienate the affections and to paralyse the energies of a faithful Army. In conclusion, he had to put the following questions to Her Majesty's Government:—Whether they had any objection to state the course they had determined on taking with regard to the trial of the soldiers of the 31st Regiment for their conduct at Six-mile Bridge; whether they intended to prosecute or to defend those soldiers; and also whether they meant to pursue the course which the preceding Government had proposed to adopt by prosecuting those Roman Catholic priests who had urged the populace against those troops?

The **Earl of ABERDEEN** said, he should state, since the noble Earl had again brought that subject under their Lordships' notice, that he had done so in a manner not altogether consistent with a due regard to the administration of justice. The noble Earl had told them that those persons were to be put on their trial to-morrow; and he (the Earl of Aberdeen) would ask what practical object could be gained by bringing the matter before the House at that moment? [The Earl of CARDIGAN: I said that the assizes would commence to-morrow.] But if the assizes are to commence to-morrow, how could the noble Earl expect that his statement that evening would produce any practical effect on the trial? The noble Earl had taken that opportunity of enlarging in very warm terms on the conduct of Her Majesty's troops in Ireland, and in every quarter of the world; but as he (the Earl of Aberdeen) had already borne testimony in the strongest terms to the sense which he entertained, and which Her Majesty's Government entertained, of the admirable conduct of those troops on every occasion on which they had been called upon to assist in the preservation of the peace, it was unnecessary for him to repeat his sentiments upon that point—sentiments which came more naturally, and with a better grace, from the noble Earl. The noble Earl had complained of the great delay of the Government in deciding on the course which they were to adopt with respect to those persons. Now, he (the Earl of Aberdeen) denied that there had been any undue delay on the part of the Government in the management of those proceedings. It might be very possible that a charge of cavalry should be decided on promptly and executed vigorously; but the noble Earl would forgive him for saying that in a case of some difficulty a little deliberation was required before the Government decided on the course which they should pursue in the administration of the law. The noble Earl, while expressing his own admiration of our Army, had gone on to say that that Army was hated by the people of this country. He (the Earl of Aberdeen) entirely differed from that statement. He said that the merits of the Army were freely and readily acknowledged by the people of this country. In the case then immediately under their consideration, the Irish Government had decided that bills should be preferred to the grand jury against those parties against whom a verdict had been returned by a coroner's inquest; and in so doing they had followed the only course which, according to law, justice, or common sense, it was in their power to adopt. The noble Earl professed to believe that the late Government would have followed a different course, and would not have sanctioned the prosecution of those persons by the law officers of the Crown. That, however, was an entirely erroneous view of the case, for when a petition was presented to the late Lord Lieutenant of Ireland by the friends of the persons whose lives had been lost, in which they objected to the prosecution being conducted by the law officers of the Crown, and prayed that they might be allowed to carry on the prosecution by means of their own agents, the late Lord Lieutenant had told them, that as they professed a want of confidence in the Crown lawyers, he thought it incumbent on him to mark as censurable and to reprobate an application made on such grounds and with such an object as that of inducing him unconstitutionally to suspend the Attorney General and the Solicitor General from the performance of their imperative duties. That was the way in which the late Lord Lieutenant of Ireland had regarded the question of the prosecution of those soldiers by the law officers of the Crown. The course against which the noble Earl had that evening directed his censures, had been rendered necessary—doubly necessary, as he (the Earl of Aberdeen) maintained—by the steps taken by the Irish Attorney General of the late Government. That right hon. and learned Gentleman had brought the question before the Court of Queen's Bench, where it had been fully argued, and where the verdict of the coroner's jury had been sustained. After that, what course remained for any Government but to follow the mode of proceeding always adopted in cases of the same kind? He confessed that, notwithstanding the high respect which he entertained for our Army, and its admirable conduct on all occasions, he entertained a still greater respect for the due administration of the law. He said, that if they were to have law at all in Ireland, they should not strain and thwart the just administration of that law by any such interference as that which the noble Earl then advocated. The course Her Majesty's Government had to take was perfectly clear. The grand jury would deal with the bills as they thought proper, and it would ultimately be for the Government to decide what course they should pursue. He certainly did think that, considering what had taken place in that case—considering the decision at which the Court of Queen's Bench had arrived, no other course had been open justly and properly to Her Majesty's Government, excepting that which they had taken. The noble Earl had further asked whether it was the intention of Her Majesty's Government to prosecute the two priests against whom also an accusation had, in that case, been preferred ? and, in reply to that question, he (the Earl of Aberdeen) had to state that he made no distinction between soldiers and priests. All he wished to state to their Lordships was this : that as long as he had anything to do with the Government of Ireland, he would undertake, that without any exception, either in the case of soldier or of priest, of peasant or of Peer, justice should be administered to all. The bills against the priests would therefore be proceeded with just in the same way as the bills against the soldiers. The grand jury would in the first instance deal with them as they might think proper; and it would afterwards be for Her Majesty's Government to determine what course they ought, under the circumstances, to pursue.

The Earl of CARDIGAN said, he had it in the handwriting of the Irish Attorney General of the late Government, that it had not been the intention of that Government to have prosecuted those soldiers.

IRISH CONSOLIDATED ANNUITIES.

Lord MONTEAGLE then rose to put a question to Her Majesty's Government as to their intention with respect to the Consolidated Annuities, Ireland; also to present a petition from the county of Wexford on that subject. He referred to the Treasury Minute, by which annuities for forty years had been created, payable out of the rates. Last year the attention of the House had been called to the subject, and on the 7th March a Select Committee was moved for, in pursuance of which a most impartial Committee, consisting of thirteen Peers of England and twelve Peers of Ireland, had been unanimously appointed by the House, and to them the whole subject was referred. They sat from March to the end of May, taking great pains in the inquiry, and they were nearly unanimous. They reported their opinion that the whole sum which was charged against Ireland ought to be fully and entirely paid. Now, by the law as it stood, the rates which were levied throughout Ireland were burdened with this charge. The local authorities did not know what rates they were to impose, and they were also in doubt, after the rates were levied and were in the hands of the local treasurers, whether such rates belonged to them or to the Government. The officers of the Government admitted that the law as it stood was utterly impracticable, and that it was necessary that it should be revised during the present Session of Parliament. Under the existing law for the repayment of the Consolidated Annuities, there was a charge imposed upon parts of Ireland amounting to upwards of 5*s*. in the pound, or more than 25 per cent, upon the whole property of those districts, in addition to which they had to raise the whole of the rates required for the poor and for local purposes. At present matters were in a state of uncertainty, which rendered the administration of the poor-law in Ireland extremely difficult, though he was happy to admit that there had been a considerable improvement in the condition of Ireland. He was only desirous that this question should be considered by the Government, in order that justice might be done; and he did not ask for the remission of a single farthing of the amount which the people of Ireland had obtained, and administered themselves. What the people of Ireland protested against was this: They protested against being held responsible for the repayment of money which had been forced upon rather than solicited by them; which had been administered in such a manner that it had yielded no benefit at all proportioned to the amount expended, and which, even as related to the primary object of the money—namely, the preservation of human life—he would not say had done more harm than good, but certainly, it was undeniable that it had done a vast deal of harm. He hoped that the necessary measures for carrying out the recommendation of the Committee would proceed spontaneously from the Government, without pressure or agitation from either side of the Channel. This was precisely the moment for taking some step; the assizes were about to commence, and the whole of the grand juries might be led to take up the matter if it were not taken up by the Government. He wished, therefore, to know whether it was the intention of Her Majesty's Government to introduce any measure with reference to this subject?

The EARL of ABERDEEN said, he did not deny the importance and urgency of the question which the noble Lord had put to him. The noble Lord, however, must be aware that the subject to which he had called their Lordships' attention was one necessarily connected with the financial arrangements for the year; and although it was a subject under the consideration of the Government, still it would be impossible for him (the Earl of Aberdeen) at that moment to give any pledge as to the course which they may think it incumbent upon them to pursue with respect to it. The subject well deserved and had received the consideration of Her Majesty's Ministers; and if it were in their power to do anything to meet the views of the noble Lord, it would afford them great satisfaction to take such a course. The noble Lord must be aware that circumstances had considerably altered since last year in Ireland, and that a considerable improvement had taken place in the condition of that country. He (the Earl of Aberdeen) did not mean to say that that improvement made it altogether unnecessary that the Government should afford to the subject which the noble Lord had that evening brought under their notice their careful consideration; but it had, however, in a great degree alleviated the causes which had formerly rendered some settlement of the question a matter of urgent importance. He hoped, however, that his noble Friend would see that, connected as that subject was with the financial arrangements of the year, his question was somewhat premature, and that it would be quite improper in him (the Earl of Aberdeen) to give at that moment any decided answer with respect to the intentions of Her Majesty's Government upon the point.

The MARQUESS of CLANRICARDE would not say he was disappointed at the answer which had just been given by the noble Earl at the head of the Government to the question of his noble Friend, because he quite admitted the necessity of caution in making any announcement until Government had thoroughly considered the subject, and come to a final determination upon it. Upon that point, therefore, he would not say one word; but it was impossible for him not to feel disappointment at hearing the noble Earl couple this subject with others with which it had no necessary connexion. He did not deny that the subject was, in some respects, connected with the financial statement of the Chancellor of the Exchequer; but what he maintained was, that it was essentially a question of justice and fairness, and depended for its solution neither upon the Ways and Means of Government, nor upon the state of Ireland. He, for one, was happy to bear witness to the improvement —which he could not say was established, but which was commencing in Ireland, and which he earnestly hoped would continue; but he could assure the noble Earl that there was no question on which the Government could at that moment exercise any interference which was calculated to have so much effect upon the continuance of that improvement as the question which had just been mooted by his noble Friend. The agitation which was attempted—for he could not call it more—upon other subjects, had no perceptible effect upon the material condition of Ireland; but this question had a great and decided effect, because every man who invested capital in land, either by way of purchase or tenancy, while he asked no questions about the law of landlord and tenant, or any other theoretical subject upon which legislation was proposed, was quite certain to ask what was the weight of taxation in that part of the country, and what were the prospects of a profitable occupation of land. The country was still poor; and, although there was every chance of establishing some prosperity in it, the local taxation was such that every man was afraid to invest money there, either in the purchase or in the tenancy of land. There was another question which was investigated before the Committee of their Lordships' House, and which also pressed upon the property of Ireland—he alluded to the charge for arterial drainage. All that the parties concerned in that matter wanted was, that justice should be done them. They had no objection that money which had been properly laid out should be honestly repaid; but what they did object to was, that they should be called upon to pay an exorbitant charge for works which had been executed in defiance of sound sense and judgment, and from which they derived no benefit at all proportioned to the expense. If they looked at the character of the local taxation now pressing on many of the districts of Ireland, and compared it with the taxation on real property here, they would see the tremendous difference. They must bear in mind that the great proportion of the taxation which at present pressed upon Ireland, was taxation of an entirely new character—he meant that it was not taxation which had been imposed on the country from generation to generation, as most of the local taxation of England was, but that it was taxation which was unknown when the settlements of land which now existed in Ireland were made. All he asked was, that the matter should be considered, not with the inquiry how miserable or how much better the country might be this or that month, not even with reference to the state of the imperial finances, but solely with a view to full justice being done.

The Earl of WICKLOW said, that as great ignorance prevailed in this country respecting the state of taxation in Ireland, and as he knew that a strong impression existed that, in consequence of that country being exempted from income tax, favour had been shown to her to such a degree that it was unreasonable to bring forward a question of this kind, he could not avoid seizing that opportunity of calling the attention of the noble Lord at the head of the Government to a fact which he conceived would be new to him, as, he confessed, it was to himself until very recently. He alluded to the fact which he had found stated in a pamphlet by Sir John Kingsmill, that the local taxation upon the 10,000,000*l.* of rateable property in Ireland amounted to no less than 4*s.* in the pound, or 20 per cent, while upon the 67,000,300*l.* of rateable property in England the local taxation was only 1*s.* 10*d.* in the pound, or less than 10 per cent. Even if they included the income tax, the amount would only be increased to 2*s.* 5*d.*, being little more than one-half of what was paid in Ireland, even without the income tax. He begged the Government, when they came to consider the financial state of the two countries, to bear that fact in mind. Whatever improvement might have recently taken place in Ireland, it was utterly impossible that it could enable the country to contend with the difficulties connected with local taxation; and he hoped, therefore, that Her Majesty's Government would be able to propose some measure with a view to the relief of the country on that subject. He begged to add that, whatever they might decide with regard to the country generally, it would be imperatively necessary to bring forward some measure for exempting those portions of the country which were utterly unable to pay.

MANNING THE NAVY.

The Earl of EGMONT wished to know whether Her Majesty's Government would have any objection to lay on the table the report of the Committee on the Manning of the Navy?

The Earl of ABERDEEN replied, that it was the intention of the Government to lay the report in question upon the table as soon as possible; but at the same time he begged to observe that it had only been received in the course of last week, and that it embraced a vast number of subjects besides that of Manning the Navy: and that, with respect to many of those subjects at least, it was quite necessary that the Government should have time to consider, and form some opinion upon them, before laying the report on the table. At the same time, he assured the noble Earl that there should be no unnecessary delay.

The Duke of NORTHUMBERLAND said, he hoped the Government would also lay on the table the evidence taken by the Committee. They had inquired into the whole state of the sea service, from the time a seaman first entered it, as a boy, until he was at last received into Greenwich Hospital. An injustice was suffered by a very valuable class of officers in the Navy, the warrant officers, who were between the seamen and the commissioned officers. He had hoped that one part of this injustice, which had been done years ago, might have been redressed by the late Government, independently of the report of this Committee. He referred to the taking away of the widows' pensions; but they had found great difficulty in making the requisite calculations. On this account, after the Committee had been very laboriously engaged, he had desired them also to consider the case of the warrant officers. Since the war, other classes of officers, as engineers in steam vessels, had been put over them: and the different kinds of officers complicated the question very much.

The Earl of ABERDEEN said, he had not yet read the evidence, but, while it would be quite proper to lay the report on the table, it might happen, from the variety of opinions prevailing among the officers examined, that it would be inexpedient to lay the evidence on the table also.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 21, 1853.

MINUTES.] PUBLIC BILLS.—1° Sheriffs Courts (Scotland); Metropolitan Improvements (Repayment out of Consolidated Fund); Cambridge Waterworks; Slave Trade (New Granada); Slave Trade (Sohar, in Arabia).
3° Grand Jury Cess (Ireland).

ELECTION COMMITTEES.

MR. DIVETT brought up the Report of the Select Committee on the petition relating to the election for the borough of Lancaster. The Report stated that Robert Baynes Armstrong was not duly elected; that the last election was a void election; and that the Committee had come to a resolution declaring that the said Robert Baynes Armstrong was by his agents guilty of bribery, and that certain electors had been proved to have received bribes. He would beg to move that the minutes of evidence should be laid on the table of the House. He thought it right the House should fully consider those minutes; and he would now give notice, that to-morrow he should move that no new writ should issue for the borough of Lancaster till ten days' previous notice had been given.

LORD ROBERT GROSVENOR brought up the Report of the Select Committee on the petition against the return for the borough of Tavistock. The Report stated that Samuel Carter, not being duly qualified according to the provisions of the Act of Parliament, was not duly elected, and that Robert J. Phillimore was duly elected.

MR. KER SEYMER brought up the Report of the Select Committee on the Canterbury borough election petition. The Report stated that Henry Plumptre Gipps and the Hon. Henry Butler Johnstone were not duly elected at the last election to serve as burgesses in the present Parliament for the borough of Canterbury; that the last election was a void election, and that the Committee had come to the resolution declaring that the said Henry Plumptre Gipps and Henry Butler Johnstone were, by their agents, guilty of bribery at the last election; that several electors had been proved to have received bribes varying from 4*l.* to 10*s.*, but that the Committee were not prepared to report that such acts of bribery were committed with the consent of the said Henry Plumptre Gipps and Henry Butler Johnstone; but the Committee reported, that it appeared the elections at Canterbury had been for some time carried on by means of bribery and corruption. He would take that opportunity of giving notice, that as soon as the evidence should be in the hands of hon. Members, he should move a humble Address to Her Majesty that a Commission be appointed to inquire into the practices at the elections for the borough of Canterbury.

MR. T. DUNCOMBE said, he thought, after the Report which the House had heard, that no new writ ought to be issued for the borough of Canterbury pending the inquiry proposed to be instituted. He should, therefore, move that the writ be suspended.

MR. SPEAKER said, the hon. Member must give notice of his Motion.

MR. KER SEYMER said, he would now give notice, as he had intended originally to do, that to-morrow he should move that the issuing of the writ for the borough of Canterbury be suspended.

LIMITED LIABILITIES OF PUBLIC COMPANIES.

MR. WILSON PATTEN said, he wished to put a question to the right hon. Gentleman the President of the Board of Trade with regard to the private legislation of the House. He wanted to know whether it was the intention of the Government to introduce any measure for the purpose of giving public companies powers with limited liability.

MR. CARDWELL said, it would be in the recollection of the House that, in the Session of 1850, and again in that of 1851, Committees of that House had investigated the subject of the law of partnership, particularly with reference to the subject of limited liability. In 1851, the Committee represented that the Crown should issue a Commission for the purpose of inquiring into the subject of that law; and the right hon. Gentleman then at the head of the Board of Trade (Mr. Labouchere) had announced his intention of issuing such a Commission. He (Mr. Cardwell) had now to state that it was the intention of the Government that that Commission should issue.

MR. WILSON PATTEN said, he would now ask what was the intention with respect to those measures which were already before them? The usual course had been that, with some exceptions, limited liability should only be given in cases where private enterprise could not reach the end.

Mr. CARDWELL said, the question put to him by his hon. Friend was divided into two parts: first, with regard to the power vested in the Board of Trade of recommending to the Crown whether a charter should or should not be granted. It was the intention of the Board of Trade to be guided on this question by principle, and, as far as they could, by precedent. What they believed to be the intention of the House when they intrusted the Board of Trade with the power they possessed was, that the charter should be granted in conformity with and in subordination to the general principles of the law. With regard to the proceedings of this House, he could do no more than give his opinion as a single Member of that House with regard to the measures that might have been brought before it from time to time; and in respect to that opinion he would only say, that it was in conformity with the opinion of his hon. Friend, and he did think that while the inquiry was pending on the subject, it would be desirable to be guarded, and not to give a limited liability where the object could be accomplished by private competition.

THE CASE OF EDWARD MURRAY.

Lord DUDLEY STUART said, he wished to put a question to the noble Lord the Secretary of State for Foreign Affairs with regard to Edward Murray. The House would no doubt recollect that Edward Murray, a British subject, after being confined for nearly three years in prison, was tried by a secret tribunal at Rome, the charge appearing to be that he had aided or connived at a murder; that he was condemned to suffer death, and would have been executed but for the energetic interposition of the British consul, Mr. Freeborn; that the late Government interceded for him, and that his sentence was commuted to imprisonment in the galleys for life, and that the Earl of Malmesbury directed Sir Henry Bulwer to endeavour to obtain for him a further extension of clemency. He wished to ask the noble Lord whether his attention had been directed to the case. Whether he had any hopes of obtaining any further extension of clemency to this unfortunate man? Whether he had received any information of a character to enable him to form an opinion as to the guilt or innocence of the prisoner in respect to the heinous crime laid to his charge? And whether he would state that opinion or communicate that information to the House?

Lord JOHN RUSSELL said, that the Earl of Malmesbury had desired Sir Henry Bulwer to make representations to the Papal Government, with the view of obtaining a commutation of the sentence of Mr. Edward Murray; and he (Lord John Russell) had directed the representions so commenced by his predecessor to be continued, and they were continued while Sir Henry Bulwer was at Florence; but Sir Henry Bulwer had left that city, and he (Lord John Russell) was not exactly aware whether our representations were likely to prove successful. They would, however, be continued by our Minister at Florence. With regard to the guilt or innocence of Mr. Edward Murray, he could only say, that the Roman Government objected to its being asserted that if the case had been tried in an English Court of Justice the evidence that was adduced against him would have procured a different verdict. In fact, the Roman Government considered that the evidence was sufficient to establish the guilt of the accused.

Mr. DRUMMOND said, he wished to know if it had been ascertained that Mr. Murray was a British subject?

Lord JOHN RUSSELL said, that no evidence had been given to prove he was a British subject; but as he was the son of British parents, it was thought fit to make representations in his behalf, though he did not know if the circumstances would have justified the Government in considering him a British subject.

COMMERCE WITH HOLLAND AND BELGIUM.

Mr. APSLEY PELLATT said, he wished to ask the noble Lord the Secretary of State for Foreign Affairs whether the Government had been informed by their representatives in Belgium and Holland that a Treaty of Commerce, dated the 5th day of February, 1852, had been concluded between those Goverments, by which Belgian manufactured goods are admitted into Holland at a much lower rate of duty than similar goods from Great Britain, and if the British Government are aware of the fact, whether any and what steps have been taken to induce Holland to place the British industry on a footing of fair competition with Belgium and other nations; also, whether the above is in contravention of any existing favoured-nation clause between England and Holland?

LORD JOHN RUSSELL said, that the favoured-nation clause, to which the hon. Gentleman referred, did not give us any absolute right to ask Holland to admit British goods upon the same footing as Belgian goods entering Holland. The clause would only enable us to do so upon condition that England made reciprocal concessions to Holland; and if we made concessions to Holland, we would be compelled to make similar concessions to other nations, which might be disadvantageous to this country. Therefore no representations such as the hon. Gentleman alluded to had been made to the Government of Holland.

STAMP DUTY ON NEWSPAPERS.

MR. BRIGHT said, he wished to put a question to the right hon. Chancellor of the Exchequer relating to the subject upon which the hon. Member for Birmingham (Mr. Scholefield) had appealed to the hon. and learned Attorney General, and on which occasion reference was made to the right hon. Gentleman for an answer. The late Government promised to introduce a Bill to amend the Newspaper Stamp Act, and the matter was thought an urgent one, on account of the litigation that might arise upon the knotty point left in doubt by the existing law. He therefore wished to ask whether pending the consideration of the question, the legal proceedings against Mr. Dickens, in the case of the *Household Narrative*, were to be put a stop to, and whether other persons, acting according to the judgment that was given in that gentleman's case, would be freed from prosecution by the Government?

The CHANCELLOR OF THE EXCHEQUER said, that it had not fallen to his lot to conduct the case against Mr. Dickens, and no notice whatever had been taken of this subject in his department, nor had it in any way been brought before him until within the last three or four days, and then it was not with reference to Mr. Dickens. The course that he had taken was to direct a case to be prepared and submitted to the Law Officers of the Crown, upon which they would advise the Government with regard to the state of the law. That was the only step that he had the power to take, and he believed it was the one most calculated for the solution of the question. With regard to any legal proceedings having been taken on the subject, he had no information, and was not aware of any.

MR. BRIGHT said, that this was a question in which parties were liable to very heavy penalties, and all that he meant to ask was, that, pending the inquiry into the matter by the Government, no legal proceedings should be taken against individuals, which might be ruinous to them.

The CHANCELLOR OF THE EXCHEQUER said, that if any regular representation were made to him on behalf of particular individuals, he should be happy to give it his best consideration; but from giving a hypothetical answer at the present moment upon circumstances not under consideration, he hoped that he would be excused.

THE ESTABLISHED CHURCH IN IRELAND.

MR. MOORE said, he rose in pursuance of notice to put a question to the noble Lord the Member for the City of London as to the opinions and intentions of Her Majesty's Ministers on that much-vexed subject—but by none more vexed than by the noble Lord himself—the Irish Church Establishment. He trusted the answer would be frank, ample, and explicit—not only free from evasion and official reserve, but containing a full and comprehensive exposition of the views and intentions of the Ministry with respect to this most important subject; and as, under ordinary circumstances, it might be considered that he expected more than he had a right to claim in calling for so complete and comprehensive an avowal, he would venture to show that the circumstances of the case warranted him in demanding such an explanation, and that the noble Lord's position, under those circumstances, called on him to afford it. He thought he would accomplish his task if he was able to prove—first, that the answer would affect not only the political tranquillity but the social peace and happiness of a large portion of Her Majesty's subjects; and, secondly, what the noble Lord himself might not regard as a secondary consideration, that it would also materially, if not vitally, affect the Government itself. No one could express the strength of his convictions on the question of the Irish Church half as forcibly or as well as the noble Lord had done on a former occasion. The noble Lord had said that he had lost confidence in the people of Ireland. He could assure the noble Lord that the Catholic people of Ireland quite reciprocated the feeling. Still a question of the appropriation of Church Revenues to national and secular purposes could not be affected by any change in the noble Lord's opinion on a question of confidence, and though the First Lord of the Admiralty had, on one very important occasion, separated himself from the Government to which the noble Lord belonged, because the noble Lord went beyond him in liberality, he had on a more recent occasion shown himself to be as much in advance of his Colleague, so that he (Mr. Moore) ventured to hope that in the game of tric-trac between them, the result might be a victory for religious liberty. In 1835 the noble Lord introduced a clause appropriating the Church Revenues for secular and national purposes, and in doing so referred to the Address of the House in the previous year, in which they promised to remove all just grounds of complaint on the part of the Irish people. The noble Lord said—

> "I am come before you to-day to represent to you what I consider 'a just cause of complaint' by the people of Ireland, and to induce you, if I can, to take a step to obtain a 'well-considered measure of improvement.' My complaint is, that nothing of that sort has yet been done or attempted, and I have referred to this discussion, not only on account of its strict connexion with my Motion, but because I think it ought to refute any answer to it founded upon some supposed danger, some distant apprehension, that what we may do to remove a 'just cause of complaint,' and to adopt a 'well-considered measure of improvement' with regard to Ireland, may have an injurious effect at some distant and indefinite time on one of the institutions of the country. I say you are not at liberty, after having agreed to this address, to put in that answer, and thus to bar a remedy. One of two things must be admitted—either you are prepared to do justice to Ireland—to consider her grievances, and redress her wrongs—or you are not. But if you tell us that your position is such that any measure of that kind would be injurious to England, and dangerous to her Church Establishment, which prevents the remedy of the abuses of the Church of Ireland, you surely, then, have no right to say that it is fit to enforce the legislative union."

The declaration of the noble Lord sank deep into the minds of the people of Ireland; and when they saw the principle of justice to Ireland discarded—they logically demanded the repeal of the Union. The noble Lord had furnished them with the clue to the penetralia of Whig policy on this subject. In the year 1849, on being taunted by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in connexion with the Appropriation Clause, the noble Lord said—

> "The history of the Appropriation Clause is well known, and can easily be referred to in the annals of Parliament. I was a party to a Coercion Act in the year 1833—a measure of severe repression—and I did think that in the following year it was the duty of the Government to prepare a measure by which a part of the revenues of the Irish Protestant Church, not needed, in my opinion, by that Church, should be made useful to other communities, such as the Roman Catholics and the Presbyterians."

According to the noble Lord's own theory, English rule in Ireland was not government, but occupation, and rested not upon the strength, but the weakness of the people. Now, he (Mr. Moore) was not about to give the noble Lord the favourable assurance that the Irish people were about to furnish him with riots and outrages, and perhaps a little bloodshed in addition, which, no doubt, would be considered all the better; they would not furnish him with the materials of another Coercion Act, upon which to build up a remedial measure. But this he could assure the noble Lord, that the Irish people, although they did not take up this subject noisily, violently, or riotously, they regarded it in a resolute and determined spirit, which neither bayonets nor bullets could subdue. There was also a formidable body of Irish Members, amounting to something like a fifth or sixth part of the House, who were pledged to oppose any Government which did not declare its intention to legislate with respect to the Established Church of Ireland on the basis of perfect equality between the several denominations into which the people of that country were divided. And here arose a very delicate dilemma. Two of those Members had taken office under the present Government, and it had been said in their defence that it was utterly impossible they could have done so unless they had received secret assurances from Her Majesty's Government that it was their intention not only to legislate upon the question of the Established Church of Ireland upon the basis of religious equality, but also to introduce a measure on the subject of tenant-right fully embodying all the essential provisions of Mr. Sharman Crawford's Bill. He (Mr. Moore) was not only prepared to give the Government a fair trial, but he now this evening put the verdict into their own hands. In justice to the Irish representatives in office, and to the Irish party in Parliament—in justice to the people of Ireland, who believed they had long been trifled with by the noble Lord—he hoped that the question he was now about to put, would receive a fair, straightforward, and explicit answer. He wished to know whether it was the intention of Her Majesty's Government to legislate with regard to the Established Church of Ireland on the basis of perfect religious equality between the several denominations into which the people of Ireland were divided; and whether it was the intention of the Government to take a fitting time and reasonable opportunity for introducing such a measure?

Lord JOHN RUSSELL said, he did not wish on the present occasion to enter into any discussion with the hon. Member with respect to the Established Church of Ireland; but the hon. Gentleman having asked him a question, to which he wished an explicit answer, namely, as to whether the Government were about to introduce any measure in order to establish perfect religious equality between the different sects in Ireland—he had to state explicitly, that the Government had no intention to introduce any measure having reference to the Established Church, with the exception of the Bill relating to Ministers' Money, with regard to which his hon. Friend near him the Secretary for Ireland (Sir J. Young) would be prepared to submit a proposition to the House. The hon. Gentleman (Mr. Moore) had referred to certain secret assurances which he supposed had been given to Members who had joined the Government, both with regard to the Established Church and with regard to the question of landlord and tenant in Ireland. For his own part, he believed that no such assurances had been given, and that those hon. Members had taken office from their knowledge of the general principles and policy of the Government, and not upon the faith of any special assurances.

Mr. O'FLAHERTY said, he believed that Her Majesty's present Government had a very sincere disposition to legislate liberally for the tenant classes of Ireland, and to protect the interest of those classes. With reference to religious equality in that country, he could not yield either to the hon. Member for Mayo (Mr. Moore), or to any other Irish representative, in his sincere and anxious desire to see a just measure of religious equality established in his country. He did not agree, however, in thinking that this was the proper or convenient time for bringing forward that question; and his opinion was, that no more injudicious step than that now taken by the hon. Member for Mayo could have been adopted in that House for the object which the hon. Member had in view. He, for one, should not be induced to join in this Motion of the hon. Gentleman. He did not believe the majority of the people or of the representatives of Ireland thought this was a judicious step; and it was one which had been taken by the hon. Member without consultation, and upon his own responsibility. He begged to ask the hon. Gentleman if he had made up his mind to sit on the same benches and act with the same party of which the hon. Member for North Warwickshire (Mr. Spooner) was a Member? The agitation now would interfere with a more important question—that of the settlement between landlord and tenant in Ireland. Let the hon. Member join in settling the one question, and he (Mr. O'Flaherty) would join in bringing the other to a conclusion. The speech of the hon. Member—with all respect to him—was perfect moonshine upon the present question. It was impossible for the English Government, in the present spirit of the English people, to introduce any such measure as that now asked for.

Mr. LUCAS said, the hon. Member who had just sat down, had asked his (Mr. Lucas') hon. Friend (Mr. Moore), whether he was prepared to sit on the same benches and act with the same party of which the hon. Member for North Warwickshire (Mr. Spooner) was a Member. The first branch of the question was answered by the fact that his hon. Friends were constantly sitting on the same side of the House, and what they had begun to do he saw no reason why they should not continue. With respect to the second part of the question, he would only say that both he and his Friends about him were prepared to act in perfect independence of both the English parties in that House, until they could discover some party occupying the seats of office who would do that justice to Ireland which the hon. Gentleman had publicly declared that he was pledged as a man of honour to require. Until that purpose was realised they would act in accordance with the pledge they had given, whoever might be in the Government. The hon. Gentleman had declared that he was bound in honour to give his opposition to a Government which would not consent to act on the principle of religious equality with respect to Irish politics. They had heard the frank, candid, and explicit answer which the noble Lord the Member for London, the representative of the Earl of Aberdeen's Government in that House, had given to the question of his hon. Friend. About the meaning of that answer there could be no mistake. The noble Lord was not prepared to act and legislate for Ireland on principles of religious equality. He therefore most respectfully required of the hon. Gentleman —the very term and condition of opposition which he had laid down having that night arisen—to fulfil the pledge he had given, to act according to his own definition as a man of honour, and to place himself, agreeably to his own declaration, in opposition to that Government which he now, by his presence on that side of the House, appeared to be supporting—seeing that they had now announced their resolution not to do that justice to Ireland which the hon. Member had explicitly declared that the condition of Ireland required. He had nothing further to say on the subject, except that he believed it was utterly impossible that the Members of the two English parties should be brought to see justice or to do justice to the people of Ireland, unless the Irish Members themselves were united on principles of perfect independence of English parties and English politics, and were determined to pursue steadily, without reference to personal considerations, those great and healing measures of reform and redress for which the country had so long sighed.

Subject dropped.

ENLISTMENT FOR THE MILITIA—THE PEACE SOCIETY.

Mr. HINDLEY said, he wished to put the question of which he had given notice to the noble Lord the Secretary of State for the Home Department, if the Government intended to proceed with the prosecutions which had been commenced against certain parties in Buckinghamshire for distributing placards animadverting on the Militia Bill? Similar placards had been distributed for the last ten years referring to the regular Army, and it was thought that they might be applied to the militia, without subjecting the parties circulating them to prosecution. The moment the Government stated them to be illegal, the Peace Society had ordered them to be withdrawn, and they were withdrawn accordingly. He hoped, therefore, that no further steps would be taken by the Government, as it would scarcely be fair at this time of day to make war upon the circulation of opinion.

Mr. FITZROY begged to say, in the absence of the noble Lord the Secretary for the Home Department, that the Government did not intend to proceed with the prosecutions referred to.

Mr. BRIGHT said, he thought that the noble Lord the Home Secretary ought to have been present to answer this question, particularly because when his hon. Friend the Member for Ashton (Mr. Hindley) had asked the question before, the noble Lord was not particularly civil, but treated certain persons out of the House, who were quite as respectable as himself, as if they had been guilty of a grave offence. The charge against the persons held to bail was, that they had been guilty of something which went by the name of sedition in advising young men to avoid enlistment in the militia. Now, when they recollected the scandalous means that were used to induce unthinking young men to enlist, of which they had full testimony in the evidence of a distinguished military officer, he thought that in a free country like this, those persons who took a different view should have liberty to give a contrary advice. He would refer to some passages of the evidence of Adjutant General Brown given before the Army and Ordnance Committee of 1851, the purport of which was that the old pensioners residing in their native villages dared not attempt the recruiting service, so unpopular was enlistment with the peasantry, and that the best recruiting sergeants were those who, by being able to sing a good song and tell a merry story, could cajole the young countrymen. The evidence went generally to prove that military service was odious in the country, and that the recruiting sergeants used various means to induce young men to enlist. Now, they had heard a good deal of "gagging" the press, and that operation might apply to the newspaper or the bill-poster. They had it in evidence that irregular means were used to induce young men to enter, and that 5*s.* were offered to every simpleton; and surely it was open to those who believed that young men were doing badly in abandoning their parents, and leaving their families, to represent to those young men that which was true, and to take other means to induce them to remain at their industrial occupations. The offending placards consisted of a woodcut and an extract from a work called the *Autobiography of a Working Man*, written by Mr. Somerville, who was at one time most unjustly subjected to flogging when in the military service. He should think himself deficient in his public duty did he not take every means towards the abolition of that degrading punishment. The woodcut was more complained of than the letter-press; but it should be recollected that they were appealing to persons, many of whom were unfortunately unable to read, and they were, therefore, compelled to bring thus home to them facts which they could not acquire from the newspapers. The present Emperor of France complained more of the pictures in *Punch* and the *Illustrated News* than the articles, because his people understood the one and not the other; but it was monstrous that in this free country, the Monarch of which was so much beloved, and the Government one in which so many persons placed confidence, people, for circulating a few placards such as he had described, should be rendered amenable to a prosecution. He understood that one person was in prison at the present moment; and he had received a letter from Christchurch, in Hampshire, stating that the police had entered a man's house without warrant, and torn down forcibly some of those placards. Now, if we had heard of such conduct in Paris, from the correspondents of the *Times* or *Chronicle*, we should have had leading articles denouncing the Government of that country, and proclaiming hostility to all despots. He was glad, however, that the noble Lord had determined upon abandoning this prosecution, a resolution which he believed had been already come to by the preceding Government, and on that belief had recommended the people at Christchurch not to enter upon any expensive preparations for defence. These poor persons had, however, been kept a long time in a state of uncertainty about a charge which, if they had received early and proper intimation of the state of the law, would never have occurred. He was sure the noble Lord would not regret the course he had now taken, and trusted that those persons who were incarcerated would be immediately set at liberty.

VISCOUNT PALMERSTON (who had now returned to his seat) said: I have to apologise to my hon. Friend (Mr. Hindley) who asked this question, for having been absent from my place at the moment he put it; but I was called out to look at an Act of Parliament on another subject, and I thought, from the course of the discussion on the Irish Church question, that I should be back in time to give an answer. It is true, as my hon. Friend (Mr. Fitzroy) stated, that it is not the intention of Her Majesty's Government to proceed with those prosecutions, and the reason is this —that whatever may have been the intentions of the parties who have caused those placards and pictorial descriptions to be printed and circulated, those intentions have wholly failed. The good sense and patriotic spirit and feeling of the English people have induced them to treat those invitations to abandon the cause of their country with the contempt they merit. The attempt to thwart the enlistment of the Militia having failed, I thought it would really have the appearance of vindictiveness to pursue the prosecutions which had been instituted. I have, therefore, given notice that those prosecutions should be entirely and absolutely dropped. I shall not take the trouble of requiring the parties to enter into their recognisances, and therefore of course anybody who is in prison on this charge—although I am not aware there are any—will be released. The hon. Gentleman who has just sat down alluded to the case of Mr. Somerville, which formed the subject of one of the pictorial exhibitions on the placards. He had received a letter from Mr. Somerville on the subject, which he would read to the House. The noble Lord then read the following letter, inclosing a copy of a letter to Mr. Hindley:—

"Militia—Peace Society.

"To the Right Hon. Lord Palmerston.

"36, Lime-street, Liverpool, Feb. 17, 1853.

"My Lord—I observe by the newspapers that Mr. Hindley is to put a question about the anti-militia placards of the Peace Society. I have written by this post a letter to Mr. Hindley, of which I annex a copy. Should that gentleman not read or notice my letter, I trust your Lordship will do so, and set me right with the public. I am more interested in that offensive placard than any other person. I am a literary man, earning bread for self and family by my pen, and eating it only by favour of the public who buy my productions. As your Lordship will perceive, the Peace Society, by placarding me all over the kingdom, have placed me in a false and odious position.—I am, my Lord, your Lordship's obedient servant, "ALEXANDER SOMERVILLE,

"('One who has Whistled at the Plough,') &c."

Copy of a letter to Mr. Hindley, 17th Feb., 1853.

"Sir—Seeing in the newspapers that you are to put a question to Lord Palmerston on the subject of the anti-militia placards posted throughout the kingdom by the Peace Society, I beg your attention to the following facts and I think you should in fairness read this letter in the House:—The placard in question contains an engraving of a man tied up to be flogged. It contains also a description by me (in a book entitled the *Autobiography of a Working Man*) of the punishment I received while a soldier in the Scots Greys, on the 29th of May, 1832. I have reason to complain of that offensive placard, and complained of it to the Peace Society as soon as I knew of its existence, and on the following grounds:—

"1. Because my own opinion has been decidedly in favour of the volunteering of recruits to the militia, in preference to a compulsory ballot (or invasion of the domestic circle by a conscription); and because, if the battalions of the militia were not filled by volunteers, the conscription must have been resorted to.

"2. Because I do not believe that militiamen were or are likely to be flogged, unless they commit crimes which they may easily avoid.

"3. Because my book was intended to be, what every page of it proves, a warning to young men entering the Army, and to soldiers already there, not to connect themselves with politics and regimental politicians, as I unfortunately did; also to dissuade civilians from connecting themselves with physical force movements.

"4. Because a quotation is prominently made from my book in the Peace Society's placard without their naming the book, or explaining why I was flogged, but, on the contrary, leading any one not acquainted with me to infer that I was some malefactor, guilty, probably, of a vile moral crime (which soldiers usually are guilty of before receiving such a punishment).

"5. Because my name was the only one used in the placard as a soldier who had suffered that punishment which was to deter men from volunteering into the militia.

"6. Because I was not asked if I should allow my name to be used for such a purpose.

"And, lastly, if I had, I should have emphatically said 'No.'—I am, &c.,

"ALEXANDER SOMERVILLE.

"Charles Hindley, Esq., M.P."

Well, I think that that letter does great credit to the writer. The hon. Gentleman who has just sat down, I understand, began his remarks by finding fault with me for having said something on a former occasion which he considers to be offensive, or uncivil, or rude, to the Peace Society. Now I then stated what I cannot retract, namely, that I think the course they pursued was a grave offence. Their intention was to obstruct the public service, and to deprive the country of those means of defence which Parliament deliberately thought that the country ought to have. But, Sir, the hon. Gentleman says that the proceedings instituted by the late Government were calculated to gag the press; that this is a free country, and that a man may publish what he likes. Well, he may publish what he likes, provided it is not against the law. But if this country is a free country, and it is free for any man to risk publishing that which he considers not to be against the law, it is also free to the Government, and it is the duty of the Government, if they see any one publishing that which they think and are advised is against the law, and against the interests of the country, to take steps that such an offence may be punished. In the remarks I made the other evening, I did not intend to say anything offensive to the Peace Society. I look upon the Peace Society as a society of very well-intentioned fanatics—much too good to be entrusted with any political functions in this wicked and sinful world; and I would urge and entreat my hon. Friend who asked the question, to use his influence, as a man of good understanding and practically conversant with public affairs, to induce his peace-preaching colleagues in the society to be a little less pugnacious than they have recently shown themselves.

SUPPLY—NAVY ESTIMATES.

Order for Committee read:—House in Committee; Mr. Wilson Patten in the Chair.

(1.) 137,245*l.* Admiralty Office.

MR. STAPLETON said, that he wished to call the attention of the Committee to the subject of the infliction of corporal punishment in the Navy. When, on Friday last, the hon. Member for Lambeth (Mr. W. Williams) expressed a hope that the present Government would be able to take such steps for the preservation of discipline in the Navy as would enable them to dispense with the infliction of corporal punishment, the right hon. Gentleman the First Lord of the Admiralty stated, as a reason for believing that this could not be done, that it appeared, from the report of the Secretary to the Admiralty of the United States, that the substitution of other punishments in the American navy had not been attended with good effects. Now, as he believed that those substituted punishments consisted of attaching a rope to a sailor, and dipping him in the water, tying his knees up against his chin, and making him drag about a cannon ball attached to his leg, he did not wonder that the United States sailors objected to their infliction, and that they were not successful in promoting good discipline. He thought that when the abolition of corporal punishment had been accompanied by the substitution of others so objectionable, the experience thus gained could not be considered conclusive against the abolition of corporal punishment. It was of the greatest importance that the attention of the Government should be earnestly directed to this question, for until the initiative was taken by the Navy, no amelioration could be introduced into the discipline of the merchant service. And he believed that there never was a moment when it was more important that the Government should take into consideration the possibility of finding some mode of enforcing discipline which should be less obnoxious to the feelings of the working class of the country; for the merchant service had now great difficulty in obtaining seamen, even at increased wages. When this species of punishment was first introduced into the Navy, it prevailed in schools, prisons, workhouses, and similar establishments; but in these it had long since been abolished, and, as experience proved, with the most beneficial results. It was now only retained in the two services; and the opinion of many eminent authorities was, that discipline might be preserved without it. The Government dared not enforce the infliction of flogging upon a member of the great middle class of this country, who, having been taken by conscription for the militia, had—in a moment of excitement, perhaps of intoxication—committed an act of insubordination. Were we then to have one law for the poor man entrapped into the Army, in the manner described by the hon. Member for Manchester (Mr. Bright), and another for the respectable man upon whom the ballot for the militia fell? This was not a purely military, but a high social question; for this punishment not only degraded those on whom it was inflicted, but all those who were liable to it. It was most important that when we gave the labouring classes a large share of political power, we should not have to deal with a brutalised population. He did not see why discipline could not be preserved on board ship by the punishment of solitary confinement, with bread and water diet. He hoped that the attention of the Government would be earnestly directed to this subject.

Sir JAMES GRAHAM said, he would merely call the attention of the Committee to the Vote they were then discussing. He could assure the hon. Member who had just resumed his seat, that he was in favour of any mitigation in the punishments inflicted in the Navy that was possible, consistently with a due regard to the discipline of the service. He earnestly desired that every check that experience showed to be useful, should be imposed on the use of corporal punishment. Persons far more competent than himself, from their professional knowledge, had given their most earnest attention to this subject, and every check to the infliction of this punishment which they could suggest and advise had been introduced, and most rigidly acted upon. Except in cases of mutiny, punishment could not be inflicted in hot blood, it being provided that an interval of twenty-four hours should elapse between the offence and the punishment. Then the amount of punishment was strictly limited, and it was provided that no more than forty-eight lashes should be inflicted in one day or for one offence. A Minute setting forth the circumstances under which it was inflicted must be sent by the commanding officer of the ship to the admiral or senior officer of the station, who transmitted it, with any remarks he might think fit to make, to the Board of Admiralty. It was then revised by one of the officers of the Board; every case which in the opinion of the commanding officer, or of the officer of the Board, demanded their attention, was brought specially before them. The return of the punishments inflicted was also brought periodically before the Admiralty. In considering the merits of any officer, the Admiralty had been for many years very much guided by the amount of the corporal punishment which he appeared to have found it necessary to use, to preserve discipline in his ship, and the preference was always given to the officer who was able to maintain order on board with the smallest number of punishments. No appearance of good order in the ship was thought to compensate for an excessive quantity of it. He must say that the experience of America, where corporal punishment had been entirely abolished, and other punishments—minor in name, but more severe in their effects, had been introduced—was not favourable to the measure recommended by the hon. Member. The punishment of death was more frequently inflicted for mutinous conduct in the French than in our Navy; and with respect to the punishment of solitary confinement, it must be recollected that where the crew was not larger than was necessary for the work to be done, the confinement of men for misconduct would involve an increase of work to those who had not misconducted themselves. All these points deserved most careful consideration, and he could assure the hon. Gentleman that it was the desire, not only of the present Board of Admiralty, but had been of all the Boards of Admiralty in succession for many years past, to diminish as much as possible the infliction of corporal punishment. The infliction of it was guarded by the restrictions he had already described; and if it was possible to impose additional restrictions, without injuring the discipline of the service, no one would be more glad than he should be; but he must entreat the Committee to weigh well the dangers—he believed the fatal effect—of wholly abolishing this punishment.

MR. W. WILLIAMS said, he did not urge the right hon. Baronet to abolish this punishment immediately, but he wished that it should only be inflicted in the Navy, as was the case in the Army, upon the sentence of a court-martial. The right hon. Baronet said that successive Boards of Admiralty had laboured to reduce this punishment to a minimum ; but had they ever taken an officer's command from him before the expiration of the usual period for which a ship remained in commission, on account of his having made an excessive use of it ? He hoped that the right hon. Baronet would afford to the men serving in the Royal Navy every possible protection against the improper infliction of the lash.

SIR GEORGE PECHELL said, that it was quite impossible that courts-martial, as suggested by the hon. Member for Lambeth (Mr. W. Williams), could be held in small vessels, where the number of officers were necessarily limited. The right hon. First Lord of the Admiralty might, he thought, safely be trusted to do all that was possible on this subject, when they recollected the steps he took, during his former administration of the naval affairs of the country, to abolish impressment, and to induce a superior class of men to volunteer in the service. He believed that although officers had not been deprived of their command for an excessive infliction of capital punishment, instances were not wanting during the last ten or twelve years in which this had been considered by the Admiralty a bar to reappointment. He congratulated the House in having the right hon. Gentleman once again at the Admiralty, where he had before conducted the business in so popular a manner; and he (Sir G. Pechell) should be ready to support him in all his reforms. He had often expressed a wish to see a naval officer at the head of the Board at Charing-cross; but he found that he had made a great mistake in thinking that such an arrangement would be desirable. He complained of the mode in which the patronage of the Admiralty had been exercised, and felt quite satisfied that it would appear from the evidence given before the Chatham Election Committee, that the late Secretary of the Admiralty had done what had never been attributed before to any person who had held that high and responsible office. He perceived that there was put down in the Votes a sum of 434*l.* for the Vice-Admiral, and 342*l.* for the Rear-Admiral of the United Kingdom. The officers who now hold these situations were also Admirals of the Fleet, for which the pay was 1,149*l.*, and he did not think it was fair that those officers should monopolise the salaries of those two civil offices. One of the gallant officers was also Major General of Marines, for which he received 1,000*l.* a year, which together with the other payments made to him raised his income to 2,149*l.* a year. It might be said that one of the salaries payable to those gallant officers was not received; but on looking to the return of sums repaid, he did not find that any sum of 776*l.* from the judicial department had been received into the Exchequer. He had received an assurance from the Secretary of the late Board that the blockade for the prevention of the slave trade on the coasts of Africa, Cuba, and Brazil, would be carried on with efficient vessels; and he was sure his right hon. Friend below did not require any suggestion from him to induce him to employ proper steamers and vessels in that service. Instances had occurred where a slaver, after escaping from the hands of a vessel of the old construction, was captured in two days by one of a more recent and better build.

SIR JAMES GRAHAM said, he would request of the hon. Gentleman opposite the late Secretary of the Admiralty (Mr. Stafford) not to follow up the subject of the Chatham election, which had been referred to in a portion of the speech of his hon. and gallant Friend behind him, because, if he were not mistaken, the matter to which his hon. and gallant Friend referred was connected with a judicial investigation not yet concluded. The evidence was not yet closed or presented to the House—an inquiry was still pending affecting all concerned—and it would be most inexpedient to have any discussion at present. It was natural that the hon. Gentleman should take the earliest opportunity to repel a charge of that kind; but he hoped he would postpone it to a future occasion. With respect to one of the appointments to which his hon. and gallant Friend (Sir G. Pechell) had referred, the hon. Member for Montrose (Mr. Hume) would remember that the Committee of the House which sat on the Naval and Military Services reported, that whenever the office of Major General of Marines should become vacant—and he Sir J. Graham) hoped the day would be distant—no other officer should be appointed to it. When they recollected the great services of the gallant officer (Sir G. Cockburn) who now filled the office—that he was almost the only surviving companion in arms of Nelson, and had the good fortune to fight a French frigate under his observation, and receive his commendations for his conduct—he trusted they would not pain and grieve him by the way in which they spoke regarding his appointment. His hon. and gallant Friend had also referred to the Vice and Rear Admiral of the United Kingdom; but the Committee considered that those offices bore some analogy to the rank of Field Marshals in the Army, to whom, in point of number, there was no limitation, and considering also the moral effect produced by retaining these proud distinctions for officers who had acquired distinction in the service, the Committee thought it advisable that they should not be abolished.

Sir GEORGE PECHELL thought the right hon. Gentleman had wholly mistaken his observations. The two offices of Vice and Rear Admirals were sinecures, and what he complained of was that they should be given to Admirals of the Fleet. Let the officers of the fleet have any sum the country wished to give them—they were two distinguished officers at the head of the Navy; but those two officers to whom he referred belonged to the judicial department, and were, he believed, under the Judge of the Admiralty. With regard to the gallant officer referred to, he perfectly agreed in all that the right hon. Baronet had said respecting him. There was no occasion, however, to give to those gallant officers situations which should be distributed amongst those who were not so well off.

Sir JAMES GRAHAM said, as far as he was aware of the circumstances, the Vice and Rear, Admirals of the United Kingdom were now, as it were by accident, also Admirals of the Fleet. The appointments of Vice and Rear Admirals of the United Kingdom were made by selection, and made, he believed, almost universally from amongst the officers most distinguished in the service. With regard to the Admirals of the Fleet, they succeeded by seniority to the top of the Admirals' list; and it so happened that the Vice and Rear Admirals of the United Kingdom (Sir Bryan Martin and Sir George Cockburn) did, by seniority, rise to their present rank. They were aged men, but most superior officers, and such a circumstance was not likely again to occur.

Mr. STAFFORD said, the right hon. Baronet the First Lord of the Admiralty had been kind enough to give him advice as to the mode in which he should act, and it was not the first time that they had on that side received advice from the opposite side of the House. It was rather singular, however, that the right hon. Baronet, who had so perfect a knowledge of the forms and usages of that House, more especially upon the subject of election petitions, had not stopped the hon. and gallant Admiral (Sir G. Pechell) on his first introduction of the Chatham Election Committee. But no; while the accusation proceeded, the right hon. Baronet remained silent, and when it had been made, the right hon. Gentleman got up and declared that the proper time for making it had not arrived. It certainly struck him (Mr. Stafford), that if the proper time for making such a charge, or of entering into a defence against it, had not arrived, the right hon. Baronet would have more completely carried out his plan of going through the Estimates in a spirit of kindly forbearance, avoiding all extraneous matters, if he had not permitted such remarks as those of the hon. and gallant Admiral. He must say, that the gallant Officer was as premature in his eulogies upon the present Board, as he was in his censures upon the late Board. At all events, he would have acted much more in a spirit of fairness if he had waited to hear something more than the opening speech of counsel of the Chatham Election Committee, before he produced his allegations. Perhaps, however, he might be permitted to go beyond the advice which had been given by the right hon. Baronet, and to say, that unless the charges against the late Board should assume some palpable—he ought rather say some less chaotic —form than they at present appeared in, that he could scarcely feel called upon to at all enter into them. The Report of the Chatham Election Committee would shortly be laid upon the table of the House, and it would then of course be open to any hon. Member to make any charge against the late Board which that Report seemed to favour; when the late Board would also be quite prepared to explain the manner in which they had exercised their patronage, as well as the whole of their conduct. He wished, before sitting down, to ask a question upon the subject of Vote No. 3, relating to the appointment of Captain Warden. That gentleman, having been employed by the late Board on the steam department of the Navy, his name had been placed on the books of the *Fisgard*, at Woolwich, for a particular service. It appeared to him, however, that the public would regard the placing of his name where it was as a sort of delusive arrangement. Here was an officer employed on shore, and his name was still kept on the books of a flag ship at Woolwich. He thought that was a most inconvenient arrangement. He was most anxious that the services of that most meritorious officer should be retained in connexion with the steam executive of the Navy.

Sir JAMES GRAHAM said, the services of the officer referred to were of the most valuable kind, and he did not think they could be obtained in a more effective manner than at present. As at present advised, he was not prepared to alter the arrangement with regard to Captain Warden.

Mr. BERNAL OSBORNE said, that when the charge was made by the hon. and gallant Admiral behind him, his right hon. Friend the First Lord of the Admiralty had observed to him that it was perfectly irregular; but the experience of his hon. Friend opposite must show him that it was more the duty of the Chairman to check the hon. and gallant Admiral than of the First Lord of the Admiralty. So far as the Board of Admiralty was concerned, there was no charge made by them against the conduct of the previous Board.

The CHAIRMAN said, he thought the hon. and gallant Member for Brighton (Sir G. Pechell) was referring to the report of a Committee which had been laid on the table that day; but if he had been aware that he was referring to the proceedings of one which was still sitting, it would have been his duty to check what was clearly irregular.

Mr. STAFFORD said, he begged to express his regret that he had misinterpreted the intentions of the right hon. Baronet the First Lord of the Admiralty.

Sir FRANCIS BARING begged to explain that it was not easy to obtain the services of an officer for a shore appointment, unless he was put on the books of some ship. Captain Warden, as well as he recollected, was actually in the command of a ship when he took this situation and abandoned that command.

Mr. STAFFORD said, that notwithstanding what he had heard, and with the highest idea of Captain Warden's merits as an officer, he must persist in his opinion that it was most desirable to alter the mode in which the Vote on account of his services was brought before the Committee.

Mr. HUME said, that Commodore Lambert had just been appointed to a good-service pension; and he thought that before such a reward was conferred on him it should have been considered whether he had not by his conduct been the author of the Burmese war. He wished to know why this Vote was greater by 2,600*l.* than it was last year? He begged to confirm the statement of the First Lord of the Admiralty, respecting what had taken place in the Committee in reference to the appointments of Vice and Rear Admirals of the United Kingdom. The officers referred to were to retain their sinecure appointments; and as to the other sinecures, the money was to be laid out in good-service pensions. They should see that the money was properly applied, and it was a question whether they had a right to award 150*l.* to Captain Warden, the last person who had obtained a portion of that money, for services connected with the Burmese war. He wished to know when an effort would be made to bring the whole Admiralty department under one roof; and he must also complain of the apartments where the charts were kept at present in this country. The charts were kept in a garret, but in Paris they were kept in a saloon. He thought the time was come when his right hon. Friend (Sir J. Graham) ought to turn his mind to the consideration of how far the Admiralty department might be brought under one head. The private apartments occupied by the officers of the Admiralty ought to be given up to the public service. He would remove the First Lord of the Admiralty from his situation. He would pay him with great pleasure a fit and proper rent, if necessary; but he thought the time had come when his right hon. Friend ought to turn in his mind how to bring the whole Admiralty department under one roof. He (Mr. Hume) greatly admired the French system, where the whole of the revenue department was under one management. The expense was not so much a matter of consideration; efficiency was what they ought to look to. He also strongly objected to the practice of changing the Lords of the Admiralty with every change of Administration. It was a great evil both to the country and to the service. He thought, too, that it was not to the interest of the public service that the First Lord of the Treasury and the First Lord of the Admiralty should have to come down every day to form a House, and in order, as it were, to make an appearance. Reverting to the practice of changing the Lords of the Admiralty with a change of Administration, he thought it fit and proper that the First Lord of the Admiralty, and the Secretary to the Admiralty, should be changed on a change of Government, but no other member of that department. The Lords of the Admiralty ought also to be at their offices at ten o'clock every morning. The inconvenience of the present practice had been demonstrated in the case of Lord Derby's Administration. There was no man more calculated to do honour to the service of the Navy, and to promote its interests, than the Duke of Northumberland; but on his appointment to the office of First Lord of the Admiralty, on the accession to power of Lord Derby, he was obliged to have recourse to strangers in conducting the affairs of the department, instead of to the men who had acquired such a considerable amount of experience in that department under the preceding Government. He (Mr. Hume) hoped this question would be taken into consideration at a future period, and that his right hon. Friend (Sir J. Graham) would shortly be able to devise some remedy.

Sir JAMES GRAHAM said, he must remind his hon. Friend the Member for Montrose, that before the Committee on Salaries, he (Sir J. Graham) had stated, not only on his own experience, but from declarations, in which he entirely concurred, made to him by Earl Spencer, who was a most distinguished First Lord of the Admiralty, it was his opinion, considering the duty of that Board and its constitution, that it was indispensable for the public service that there should be resident at the Admiralty at all times a sufficient number of members to constitute a Board; in other words, that there ought to be at all times present there, day and night, at least two Lords of the Admiralty and the Secretary. Communications frequently arrived at the Admiralty from the outports, requiring in some cases an immediate answer, and there was great advantage to the public service in having on the premises at all times, or on the shortest possible notice, some members of the Board. His hon. Friend (Mr. Hume) thought the interests of the public service demanded that the Lords of the Admiralty should be at their posts before ten o'clock in the morning; but he (Sir J. Graham) would submit that, under the present system of Parliamentary Government, which required that the heads of public departments should be in attendance in that House, where they were frequently detained until one or two o'clock in the morning, it was not reasonable to expect that the Lords of the Admiralty could be at their posts at the Admiralty so early as ten o'clock in the morning if they lived at a distance from their work. Nor did he think it reasonable, considering the vicissitudes and changes of political Government, to call upon distinguished officers holding offices at the Admiralty, to come from the outports, where many of them resided, and make permanent arrangements for an uncertain residence in town. Again, to say that the Administration was not to have any of their political friends members of the Board of Admiralty, was a condemnation of our Parliamentary representative system. He agreed with the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) that real efficiency was real economy, and the true political principle in the management of a public department. He thought, also, that the concentration of the service of the Board of Admiralty in one edifice would be an advantage to the public, and fulfil the dictum that economy and efficiency were identical. His hon. Friend had referred to the department of the Admiralty in France; but he (Sir J. Graham) would remind him that the Government of France was for the most part carried on in splendid buildings, and by immense establishments. He believed that in the French Board of Admiralty they had a much greater number of clerks than we had. He repeated he was favourable to the idea of having the department of the Admiralty conducted in one edifice; but before he could give any pledge to carry that into effect, his hon. Friend (Mr. Hume) must make up his mind to assent to a vote for a very large sum of money.

MR. VERNON begged to ask the First Lord of the Admiralty whether it was the intention of that department to make any further use of preserved meats at all for provisioning the Navy, and whether any contract had been taken for that purpose?

SIR JAMES GRAHAM said, there was none of Goldner's preserved meats now in store. There was no fresh contract entered into for a further supply; and no preserved meat was now used in the Navy, except very small quantities as comforts for the sick. He might add that the necessary steps had been taken to proceed against Goldner and his sureties for the penalty.

CAPTAIN SCOBELL said, that in time of peace like the present, under the existing system nine-tenths of the promotions in the naval department took place from Parliamentary or family interest. The Army was represented in that House by one officer only, the Secretary at War; and why should it not be the same with the Navy? So long as the First Lord (who had the disposal of the patronage) held his situation politically, it was impossible for him to act independently altogether of his political character.

SIR FRANCIS BARING said, he felt it his duty to give distinctly and solemnly to the Committee a complete contradiction to the assertion of the hon. and gallant Member (Captain Scobell). He (Sir F. Baring) could assure the Committee most distinctly and solemnly that the promotions in the Navy were not made the means of political patronage, either of rewarding one side, or of gaining the other, during his tenure of office; nor were any promotions made from considerations of a political or family kind at all.

SIR GEORGE PECHELL said, he believed that the right hon. Baronet who had just spoken had never used his patronage for purposes of political influence, and that a more honest man never presided at the Admiralty.

CAPTAIN SCOBELL said, he meant nothing personal to any particular Admiralty. He meant the expressions he used to apply to all Admiralties since he was born.

SIR GEORGE TYLER said, he must defend the "good-service" pension held by Commodore Lambert, than whom, he believed there was no officer in the service who more deserved the consideration of his country.

MR. HUME said, he did not pass an opinion on Commodore Lambert, but he thought Government ought to be cautious not to grant a good-service pension to any one with regard to whom there could be a doubt of his worthiness.

MR. BERNAL OSBORNE said, that his hon. Friend was in error with regard te Commodore Lambert. He did not get his good-service pension for his conduct in the Burmese war, for he got it before that war took place.

MR. HUME said, he would remind the Committee that when he was a Member of the Committee on Salaries, he laid on the table of the Committee a plan for forming the ungainly and unsightly buildings in Downing-street into a regular square, so as to comprise the offices of the whole of the public departments; and he now repeated his wish that his right hon. Friend (Sir J. Graham) would turn his attention again to some such proposition.

Vote *agreed to.*

(2.) 34,939*l.*, Scientific Branch.

MR. E. ELLICE said, it appeared strange to object to a reduction, but there was one in this Vote which he thought was not wise. In the Report on the Navy Expenditure in 1848, there was evidence that the survey of our coasts was in a most disgraceful state. Indeed, the hydrographers said, as regarded the coast of Scotland, they knew more of the coast of Otaheite. There was a diminution in this Vote by about 15,000*l.*, and was the survey to be postponed to save so paltry a sum as that? That led him to make an observation with reference to the publication of charts. That subject was before the Committee, and it was stated that surveys were completed and sent to the Admiralty, where they remained for six or seven years without being published, and therefore useless. The hydrographer said he was responsible for the correctness of the charts, and he could not bring his mind to let anything go out of the office till he had looked at it, and that his time was taken up with his duties as harbour master; but as a new department, the tidal harbour department, was to be created, he would save three-fourths of the time now devoted to that office. The surveys, however, still remained in the office. Since 1844, thirty-seven charts had been completed and sent to the Admiralty, of which only eighteen had been published. He thought something should be done to remedy this state of things. Some of these charts had been published within a month, while others remained in the office six years.

Sir JAMES GRAHAM said, the latter part of the observations of the hon. Member justified him in the saving he had made. It was said that there was a large accumulation of surveys made some time ago, and not yet published. Now, what was the use of a survey unless it was tested, and if it was not tested they could not publish it, and if they did not publish it it was worthless. He had already explained that this very accumulation of surveys in the hydrographer's office was the reason why he considered that until this accumulation was cleared off, the surveying might be expediently diminished. Another source of saving in this department would be the reduction of allowances to the surveying officers, which had hitherto been much beyond the due claims of the service. He should certainly do his utmost to hasten the publication of charts and the practical completion of surveys. No question, there had been great delay in these important matters. As an illustration he might mention, that when he was in the Admiralty, now, unfortunately for him, twenty-two years ago, there was one particular officer engaged in the survey of the Thames; on his (Sir J. Graham's) return to the Admiralty, after this lapse of twenty-two years, he found the same officer still engaged upon survey within the Thames.

Mr. HUME thought it was a very discreditable circumstance that any of our coasts should still remain unsurveyed. The right hon. Gentleman (Sir J. Graham) had alluded to a chart which had been made ten years ago, but which had not yet been published. Now, that chart had very probably cost 10,000*l.*, and a paltry sum of 500*l.* more for engraving would have given it to the public. What the right hon. Gentleman ought to do would not be to stop the surveys, but to employ more persons in the hydrographic department.

Sir JAMES GRAHAM said, that if they required Admiral Beaufort, the hydrographer, to authenticate a chart which he had not himself verified, he would resign his office. He (Sir J. Graham) had asked for the Vote for only six months, in order that he might have time to see whether any improvements could be introduced into the department.

Mr. E. Ellice

Sir FRANCIS BARING said, he was of opinion that, considering the great importance to the commercial and maritime interests of the country, to have an increased supply of charts, additional assistance should be rendered to Admiral Beaufort, the present hydrographer, in order to enable that officer to examine and report upon additional charts. He thought that all questions connected with the harbour department should be taken from the hydrographer, and transferred to the Board of Admiralty.

Mr. HUME said, he had drawn the attention of a former Board of Admiralty to the charge made for the *Nautical Almanack*, and he would suggest that its present price of 5*s.* or 6*s.* should be reduced. He understood that the sale of that publication amounted to upwards of 13,000 copies, for which a sum of 3,600*l.* was received. He trusted the Admiralty would allow it to be sold at 2*s.* or 2*s.* 6*d.* in future; the additional sale would, he was convinced, amply compensate for the reduction in price.

Sir JAMES GRAHAM said, he agreed with the hon. Member that the price of the *Nautical Almanack* should be as moderate as possible, and he believed a reduction in its price had taken place within the last two years.

Vote *agreed to.*

(3.) 134,230*l.* for Naval Establishments at Home.

Mr. TUFNELL said, he wished to bring before the notice of the Committee and the right hon. Gentleman the First Lord of the Admiralty the subject of the wages paid to the shipwrights in Her Majesty's dockyards. Previous to the year 1833 their wages were 5*s.* a day; but at that time they were reduced to 4*s.*, and at this moment they were considerably less than what was paid by private shipwrights. The advantages attached to the Government dockyards were constant employment, a pension for long services, and medical aid in cases of sickness or accident. With regard to constant employment, he believed no good workman need be under any apprehension of not being always able to command that in this country. As to the pension, he granted that was an advantage; but then it was an advantage which was as nothing when compared with the difference in wages. At forty-five years of age a person might insure to himself an annuity of 20*l.* a year, on attaining his sixtieth year, for 8¼*d.* a week, or 30*l.* a year for 11¼*d.* a week.

For a small increase of these weekly payments some of the insurance offices would return the whole of the premiums paid, in the event of the person dying before he had reached the age mentioned. Then, as to the advantage derived in the shape of medical aid, why the same benefit might be secured from sick clubs, which gave their members not only medical aid, but an allowance per week during the existence of their illness. At the present moment, owing to the extensive emigration which was going on, and the various means of employment that were perpetually opening up, a considerable rise in the wages both of skilled and unskilled labour had taken place. He (Mr. Tufnell) was as anxious as any one to promote efficiency with economy; but if an inquiry were instituted in the private yards, it would be found that there was scarcely one of them which could retain its shipwrights at the wages of 4*s.* a day. Thinking, therefore, that in Her Majesty's dockyards, above all others, they ought to have the most able and skilled workmen, he trusted his right hon. Friend (Sir J. Graham) would take this question into his consideration; and he (Mr. Tufnell) was certain that, whatever decision his right hon. Friend came to, he would do that which he deemed to be best for the public service.

Mr. COLLIER said, he believed that a permanent increase in the rate of wages was now taking place throughout the country, and it was most desirable that the Royal dockyards should be supplied with skilled labour fully equal to that employed in private yards. He concurred in the opinion expressed by the right hon. Member who preceded him, that it was necessary to raise the rate of wages, in order to secure the necessary supply of skilled labour.

Sir JAMES GRAHAM could assure his right hon. Friend (Mr. Tufnell), and the hon. Member for Plymouth (Mr. Collier), that, in the performance of their duty, the Board of Admiralty had given the most favourable consideration to this question; and although he was willing to admit that it would not be right that the persons employed in the Government dockyards should be paid less than in private yards, yet, on the other hand, it must be remembered, on the part of the public, that not one farthing more should be given than the real market rate of remuneration for labour might require Now he did not believe that there was a single vacancy in any of Her Majesty's dockyards at this moment for shipwrights; and more than that, if there were a vacancy, he was satisfied it would be immediately supplied. Were they not right then in regulating the wages by the market rate of labour? With regard to the comparative advantages: when he (Sir J. Graham) was last at the Board of Admiralty, the rate of wages was reduced from 5*s.* to 4*s.* a day; but then the shipwrights worked only five days out of six. They were now working six days in the week, and in addition to 4*s.* a day they were enabled to increase their wages by means of task-work; and further, in case of accident, they were allowed half wages and medical attendance, and after the lapse of twenty years were permitted to retire on a pension. And more than that, if the dockyards were justly administered, without consideration of political influence, and with reference to merit only, promotion was open to every man in the dockyard; and from the humblest position he might rise to the highest. That advantage was one which was certainly not to be disregarded. He was therefore in favour of a firm adherence to the present system. He and his Colleagues had given their best attention to the question, but they were not prepared, under present circumstances, to add in the least degree to the existing rate of wages.

Mr. BERNAL OSBORNE said, that the subject was one which must be regulated by the ordinary rules of supply and demand, and he could assure the Committee that he was at present actually inundated with applications for situations.

Mr. MONTAGU CHAMBERS said, he ventured to submit that there was some mistake with regard to the rate of remuneration paid to the shipwrights and working men in Her Majesty's dockyards, and the market price of labour given to parties in the situation of artisans in the dockyards of private individuals. There were three classes of persons for whom he spoke, namely, the shipwrights, the joiners, and the sawyers. He had ascertained that in the Government yards the shipwrights were nominally paid 26*s.* a week; but from that nominal sum were deducted 1*s.* a week to form a superannuation fund, and 1*s.* a week as a contribution towards the cost of medical attendance when they met with accidents in the dockyards. With regard to the superannuation fund, it should be recollected that when they got the pension they had paid for it themselves; it was, in fact, just the same as if they had formed a benefit society and paid into it 1*s.* a week, or

2*l.* 12*s.* a year. They were, therefore, entitled to their superannuation pension in consequence of the contributions they had made to that fund. In like manner the men contributed to the cost of medical attendance; but it was well known that unless they lived within sound of the bell at the Royal dockyards they were not allowed though they met with an accident in the yards, to have the attendance of the surgeons. So far, then, as these advantages were concerned, he apprehended they were privileges which the men had themselves paid for. As to the wages given in private dockyards, he had been informed that in the river yards of private shipbuilders they ranged from 36*s.* to 40*s.* a week, and that sometimes 42*s.* a week could be earned by the shipwrights in those yards. If that were so, surely it could not be said that the market price of labour was paid to the shipwrights in the Royal dockyards. Now, he thought that this was a great national question, and so thinking, it was with pain that he heard on Friday night, as well as when the late Government brought forward their Estimates, attacks made upon the sort of vessels which were sent out from the Government yards. A suggestion had been made that the ships should be built by private contract, and that suggestion had been received with cheers from some parts of the House. He begged to say, however, that he believed the Royal dockyards could turn out as good vessels as any private yard, assuming that they were well managed. He did not mean to say that they were well managed—he was now merely speaking for the artisans. The way to ensure good work was to have good workmen; and to secure good workmen, they should be fairly paid for their services. Even if we did not lose the men who were at present in the national dockyards, we might rely upon it that the more skilful workmen would be very cautious how they offered themselves to work in those yards in preference to the private yards. The consequence of such a state of things as that would be, that we should have more unskilful than skilled workmen, and instead of remedying the evil complained of—that of turning out improper work—we should have worse vessels because we had worse workmen. He begged to submit to the right hon. Baronet the First Lord of the Admiralty, then, whether it was not most desirable that they should ascertain whether his statement was correct or not. As to the ship-joiners, they were a superior class of workmen. In private yards they earned as much as from 30*s.* to 36*s.* a week. They finished the work, but did a great deal of hard labour besides. But in the Royal dockyards they received 21*s.* a week only. The third class of men to which he had referred, were sawyers. They worked in pairs, and in the Royal dockyards they received 35*s.* a week the pair, or 17*s.* 6*d.* each. Whereas if they went into a common carpenter's yard, or any private timber yard, to saw deal or other soft wood, they earned as much as 30*s.* a week each. Recently meetings of the artisans in the Government shipyards had been held to consider the propriety of emigrating to the Colonies: and this was a spirit likely to be fostered unless fair inducements were held out for them to continue in this country. It might be said that few or none had left the yards; but the reason of that was, that after having contributed for a considerable time to the superannuation fund, the most prudent and provident were unwilling to forego the advantages to which they would hereafter be entitled from that fund. Many of them had wives and families. With regard to their pay, it might be said that they were comparatively better paid than workmen in the country; but then they were very heavily taxed at Woolwich and Deptford—they were obliged to pay high rent and local rates—living, as they were compelled to do, within the sound of the dockyard bell, in order that they might be ready in case of fire; and, generally, they were more heavily burdened than workmen at Plymouth or Milford. As a reformer, he had been exceedingly surprised at a suggestion made by a reform Government that these men should be deprived of the elective franchise. Such a measure could not be justified on any ground of policy. Besides, if it were adopted, the best men would be lost to the public, for they certainly could not be expected to remain in a service where their rights and privileges were taken away. These men knew the value of these rights and privileges; moreover, they knew how to use them. He (Mr. M. Chambers) was an instance of their privileges having been used independently of Government influence. Under all the circumstances, he sincerely hoped that the case of the dockyard artificers would be seriously considered before the project was entertained of depriving them of the franchise; for he was certain that the best class of men would not enter if they found they were to be liable to the penalty of disfranchisement.

Mr. HUME said, he must admire the candour of the hon. and learned Gentleman, when he said he was an instance of the way in which the dockyard artificers exercised their right of franchise. Would the hon. and learned Gentleman tell the Committee what had been the expenses of his election? He (Mr. Hume) had never, during the whole of his political life, had the patronage of the appointment of a single dockyard carpenter, nor had he ever sat for a dockyard; but he knew that the principle upon which such establishments should be conducted was that of supply and demand. He contended that the efficiency of the dockyards could only be restored by the franchise being taken away. As to the objections which had been made to building ships by contract, he feared the hon. and learned Member had not enjoyed many opportunities of seeing what was going on in the large private building yards. There he would not find ships cut in two, and made to undergo all sorts of metamorphoses, regardless of cost.

Mr. JOHN MACGREGOR said, that this was the first time he had ever heard a First Lord of the Admiralty condemned because the Estimates were not sufficiently high. There were men in the public dockyards such as were not to be found in other dockyards; but there was not one of the dockyards which did not require reorganisation. If any one were able to perform that task it was the present First Lord of the Admiralty, with whom he had no political connexion, but of whom he said so from the high admiration he had of the right hon. Baronet's administrative powers. A great deal had been done by the right hon. Member for Portsmouth (Sir F. Baring) to put a stop to mismanagement in the dockyards, and waste arising from want of skill. There were, however, workmen in the public dockyards who did not do more than two-thirds of the work done by the same class in private dockyards.

Viscount MONCK said, there was a strong feeling among the artisans in the dockyards that they were not overpaid, but underpaid; and he was sure that no more injudicious proposition could be made than to disfranchise them.

Mr. W. WILLIAMS said, that the House of Commons was not the proper place to regulate the rate of wages; but, if it were, the Members for the dockyards were certainly not the persons to regulate the scale. He did not believe that the system of jobbing would ever be put an end to as long as the men had the franchise. The whole of the extravagance in the dockyards arose from the men being promoted, not by merit, but by parliamentary influence.

Mr. PHINN said, he wished to call the attention of the right hon. Baronet the First Lord of the Admiralty to the fact, that when persons were called from the dockyards to serve for an hour or two as jurymen, a proportionate sum was deducted from their pay.

Sir JAMES GRAHAM said, he had not been aware of the fact before. He would make inquiry as to the practice in private yards, and be guided accordingly.

Sir F. BARING said, he was aware he was open to the objection that he sat for a dockyard; but he might be allowed to say what he thought to be the right principle in the case. The wages of public departments could not rise and fall like those paid in private concerns; but, at the same time, if there was a permanent rise, or a permanent fall, in the wages of private establishments, those of the public yards must follow. As to disfranchisement, if attempts were made to deprive the men employed in the dockyards of their electoral privileges, his right hon. Friend at the head of the Admiralty would find him (Sir F. Baring) joining the chorus of the Members for the dockyards. Disfranchisement, in his opinion, was perfectly unnecessary, because the taking away of the right of voting would not destroy the system of patronage.

Colonel BOLDERO said, he felt it his duty again to call the attention of the Committee to the case of the assistant-surgeons in the Royal Navy. In the year 1850 the House, upon his Motion, adopted a Resolution declaring that the accommodation provided for these valuable officers was insufficient to secure the full benefit of their services. This Resolution was carried in hostility to the views of the Board of Admiralty, whose feelings were displayed in the memorandum or order of the 17th July, 1850, which was issued in consequence of the Resolution of the House. On one or two occasions he had given notice of a Motion to bring the question again under the notice of the House; but he received from the right hon. Baronet the Member for Portsmouth (Sir F. Baring), then at the head of the Admiralty, an assurance that he was disposed to carry out the Resolution of the House in a fair spirit. But he had since learned that the assistant-surgeons had been refused accommodation, even when they were eligible for it, according to the terms of the memorandum. He knew, further, of some cases where, superior authorities having stepped in, these gentlemen had cabins provided for them. He had not had an opportunity of testing the late Board of Admiralty, but he was anxious to ascertain the views of the present Board in carrying out the Resolution of the House. The terms of the memorandum he conceived to be rather offensive; for it said the assistant-surgeons were only "to be allowed cabins when the accommodation on board will admit." He had received a return from the ships on the Mediterranean station relative to twelve assistant-surgeons, all of whom had passed for the higher rank of surgeon. But of the twelve only five had received cabins; and out of the five, only two had received the little advantages, such as servants, &c., enjoyed by the officers in the ward room. The treatment of these gentlemen was producing its natural fruits, for the *élite* of the candidates from Edinburgh, Glasgow, Dublin, and London shunned the service. In one or two of the colleges, he believed, they had come to a resolution that they would not enter the naval service until this, which they considered a moral degradation, was removed. At the present time he believed there were very few candidates for assistant surgeoncies in the Navy. A short period back there were only five, he was told; and he doubted whether they at the present time amounted to ten. At all events, in the Army the candidates were reckoned by hundreds, whilst in the Navy they could only be counted by units. Under these circumstances, he would ask the House whether it was desirable to continue a system which was unjust to the men, and injurious to the efficiency of Her Majesty's service? If the present treatment was persisted in, the result would be that the Navy would not have a single properly-qualified candidate to fill any vacancy as assistant-surgeon in the Royal Navy. In the event of a sudden war, where would the Government obtain assistant-surgeons when such was their treatment? How could Government expect candidates for medical situations in the Navy when for three years they must remain in the cockpit, where study was next to impossible? He believed the state of things would be similar to that which existed in 1809, as described in a lecture lately delivered by Sir George Ballingall at Edinburgh. In the evidence of Mr. Guthrie, which was quoted by the lecturer, it was stated that at that period qualified assistant-surgeons could not be obtained, and that, instead of raising the price, the Admiralty deteriorated the article, and took medical officers of an inferior description, who acted solely under a warrant similar to that of a boatswain. As an illustration of the working of this system, Mr. Guthrie mentioned that a man who was violently drunk having been fastened down while lying on his back, had an emetic administered to him in that position, and the surgeon, not knowing, or not remembering, that the position of his patient ought to be changed, death took place within two hours. Was it desirable to risk a repetition of such scenes by disgusting young men with the service? He had further to complain of the injustice of dividing the assistant-sugeons into two sections, and would like to know by what authority it was done. The question was also a seaman's question. Jack was a fighting man—he would fight to the last for his Queen and country—he would shake hands with the enemy when the contest was over. But then he naturally said, if he was wounded in defending his Queen and his country, he had a right to have the services of the best qualified medical men that the country could supply.

Admiral BERKELEY said, he was one of the Board of Admiralty in 1850, when the hon. and gallant officer (Colonel Boldero) thought fit to bring before the House the case of the assistant-surgeons, and he thought upon mature consideration he would almost regret having done so. [Colonel Boldero: Not at all.] How would the hon. and gallant Member like, if he were colonel of a regiment, to have the discipline of that regiment regulated by a naval officer? The hon. and gallant Gentleman said the Board of Admiralty had evaded the question, and not carried the Resolution which the House had agreed to. But when that Resolution was affirmed, the right hon. Member for Portsmouth (Sir F. Baring), who was then First Lord of the Admiralty, said that in consequence of the majority being so small, and every naval officer voting with the minority, he should bow to the decision of the House only to this extent, that where cabins could be formed, not trenching on the comforts of the men, and not interfering with the efficiency of the ships, in such vessels a cabin should be built for the assistant-surgeons. Such was the direction which the right hon. Baronet gave to the Surveyor of the Navy, and a cabin had been built in every ship fitting out since, where accommodation for the men was amply provided. By the course which the hon. and gallant Officer was taking, he was endeavouring to cause the greatest dissatisfaction throughout the Navy, by endeavouring to place the assistant-surgeons above their superior officers, the mates. Those men were obliged to study quite as much as the assistant-surgeons to obtain certificates of merit, and they desired to keep quiet in the gun-room. He believed the gun-room was quite as quiet as the ward-room. In the ward-room every young officer was a fiddler or a fluter; but they could not practise in the gun-room, because when they were there they had to study navigation. As to the youngsters, they could not interfere with the studies of the assistant-surgeons, because they only used the gun-room to take their meals, and were in the school-room the rest of their time. He was sorry to say that the assistant-surgeons' cabin had been a source of great mischief in many ships, being turned to purposes of conviviality rather than to purposes of study. The assistant-surgeons were remarkably well off, were well paid, and, as to not having any candidates, fifty-four had entered the service within the last few months.

MR. HUME said, he was not aware before that every naval officer in the House voted in the minority on a former occasion, and he regretted they should have shown so little consideration for the service. The question was, ought they, or not, to obtain as able and efficient medical men for the Navy as for other branches of the service? At present it was the last place they went to. They came to the Navy if they could find employment nowhere else. In the Army and in the Indian service they were treated as gentlemen; but in the Navy the steam-officers had cabins allotted to them, whilst it was denied to the assistant-surgeons, and the best men were thus driven from entering it. He appealed to the right hon Baronet the present First Lord of the Admiralty whether men brought up as gentlemen, and not admitted under twenty-two years of age, ought to be placed with young men very often much inferior in age, and, as the gallant Admiral said, addicted to the fiddle or the flute, and having no place to retire to? He approved highly of what the hon. and gallant Gentleman (Col. Boldero) had said, and he hoped he would persevere until justice was done to this important class.

MR. BERNAL OSBORNE said, no Board of Admiralty could be more disposed to promote the comfort of every rank in the service than the present Board. If his recollection was right, the hon. and gallant Member (Colonel Boldero) carried his Resolution, in 1850, by surprise; the division was taken first, and the discussion afterwards; in a thin House, forty-eight voted for and forty against it; and that was at a time when the Navy Estimates were not so popular as they were now. He was sorry the hon. Member for Montrose (Mr. Hume) had taken a course now different to what he took on that occasion. The hon. Member said then it was a question of details which should be left to the consideration of the Admiralty. In fact, the whole question was a question for the Board of Admiralty. It was a question of space, with which naval men were alone competent to deal. Since 1809 he was confident there was no class of men whose comforts were more attended to than assistant-surgeons. He found that in 1840 a Commission sat and inquired into this very circumstance, and the Commissioners included men whose opinion, he was sure, would be received with deference by the hon and gallant Member (Col. Boldero)—the Duke of Wellington, the Duke of Richmond, Lord Melbourne, Lord Hill, Sir George Cockburn, Lord Hardinge, and Sir Hussey Vivian. They considered the possibility of removing the medical officers from the cock-pit to mess with the lieutenants, and they said in their report—

> "On full consideration we find practical difficulties in the way of making any arrangements to accomplish this in a satisfactory and uniform manner in all classes of ships. The accommodation afforded of late years to this class of officers is so improved as to render the removal less essential, and we are, therefore, not prepared to make any representation in this respect."

In 1846, orders were given that every ship above a sixth-rate should have a cabin fitted up, in which, if they preferred, the mates, assistant-surgeons, second masters, and passed clerks might mess together, instead of messing with the midshipmen. The hon. and gallant Member said nothing had been done on the Resolution of 1850, and that the order for giving those cabins, when the accommodation and space on board would admit, was an insult. He thought, when the hon. and gallant Member looked at it dispassionately, he would see that was the language of compliment, and not the language of insult. By a return in May, 1851, it appeared the greater number of assistant-surgeons had these cabins, and the order was carried out whenever space would admit of erecting them. He was the last man to offer an insult to a profession in which were many distinguished and scientific men; and, to sum up in the words of the hon. Member for Montrose, this was a question of detail which must be left to the Admiralty.

Colonel BOLDERO said, he must beg to explain, in reply to the charge of the hon and gallant Member for Gloucester (Adm. Berkeley), that nothing was further from his thoughts than to endeavour to create dissatisfaction in the Navy; he had taken up the question solely as a matter of public duty.

Captain SCOBELL said, he was astonished how the Board of Admiralty had found it practicable to find cabins for so many assistant-surgeons as they had done. Cabins were impediments to clearing for action, and the more there were the greater would be the difficulty. There were other classes—such as the mates, who would be our future admirals—struggling upwards, who had claims for cabins as well as the assistant-surgeons, who were, no doubt, a very respectable class of men; but it must be considered that a ship was like that House—if all were to have seats, there would be no room for them.

Vote *agreed to;* as was also—

(4.) 22,764*l.* Naval Establishments Abroad.

(5.) 683,648*l.*, Wages to Artificers at Home.

Mr. HUME wished to ask whether the dockyard battalions, the raising of which had cost 70,000*l.*, were capable of working great guns? It had been stated that they could not do anything of the kind.

Admiral BERKELEY said, that was quite a mistake. They had been trained to work great guns, and could manage them very well.

Vote *agreed to;* as was also—

(6.) 35,566*l.*, Wages to Artificers Abroad.

(7.) 1,023,011*l.*, Naval Stores, &c.

Mr. HUME said, he must call attention to the waste which had been occasioned by entering into contracts for a greater quantity of stores than were wanted, particularly timber, and to abuses which prevailed in the measurement and delivery of coals.

Sir JAMES GRAHAM said, that the reduction of the stores had been made the subject of an accusation against his former administration of the Admiralty; but on returning to office he found that the standard of the principal articles remained as he had fixed it. There had been a great increase in the price of stores; and in the single article of copper the additional expense was 60,000*l.* Iron, also, had risen 70 or 80 per cent within the last two years, and timber was much dearer. The increase in the estimates upon these three articles was 140,000.

Vote *agreed to;* as were also the following Votes:—

(8.) 256,948*l.* New Works, Improvements, &c.

(9.) 26,000*l.* Medicines and Medical Stores.

(10.) 57,427*l.* Miscellaneous Services.

(11.) 687,575*l.* Half-Pay.

Mr. HUME said, he must again express a hope that steps would be taken to limit promotion. Nothing could be more farcical than the way in which we went on promoting admirals. We had in the Army men sent out as commanders-in-chief who were of no use; and in India, out of three commanders-in-chief, not one had gone to the seat of war.

Sir JAMES GRAHAM said, that a limit had already been fixed to the number of admirals in active service, and that, whatever might be the case in the Army, an admiral could not help being at the seat of war when his ship was engaged with the enemy.

Captain SCOBELL said, that 95 cadets had entered the service last year, instead of 75, the number prescribed by the Admiralty regulation. The number of cadets admitted into the service during the last eleven years had amounted to 1,433, while there had been only 595 mates promoted to lieutenancies; and the number of cadets admitted this year exceeded that of any former year, and amounted to more than 100. The consequence of this was that there were between 300 and 400 mates, who had passed their examination for lieutenancies waiting for promotion, whereas there had been only 52 vacant lieutenancies during the past year. He thought, therefore, that it would be absolutely necessary to reduce the number of cadets admitted into the Navy.

Sir JAMES GRAHAM said, he entirely agreed with the hon. and gallant Officer that it was necessary to check the number of those admitted into the service; but the evil complained of had been, to a great extent, cured by recent regulations. The Admiralty regulation limited the number of cadets admitted; but there had been what he considered a very proper indulgence extended to captains, on their first appointment, of nominating cadets, and the excess alluded to had arisen from this cause. As far as the Admiralty, however, was concerned, the regulation was enforced that the number should not exceed 75. The number of mates who had passed their examination and were waiting for promotion was 210, and not 300, as stated by the hon. and gallant Officer.

Vote *agreed to;* as were also the following Votes:—

(12.) 483,134*l.* Military Pensions and Allowances.

(13.) 148,394*l.* Civil Pensions Allowances.

(14.) 152,950*l.* Army and Ordnance Department.

In reply to questions by Sir FRANCIS BARING and Mr. HUME,

SIR JAMES GRAHAM said, that in framing the Votes he had endeavoured to leave an ample margin, so as fully to cover the expenses of the year. He wished to explain the cause of the increase in this Vote, which, strictly speaking, ought to have been included in the Army and Ordnance Estimates. One-fifth part of the British Army was on shipboard, at sea, every year, and it was right to consider what was due to the health and comfort of the soldiers under those circumstances. Hitherto there had been provision made of berths under hatches for only two-thirds of the entire number on board, while one-third were obliged to remain on deck at all times, without reference to climate or weather. That was an arrangement so unjust, and he might say so cruel to the soldier, that it commanded the attention of the Government. The question had been referred to a commission of officers, who decided that due provision should be made for the accommodation under hatches of every soldier on board, and hence arose some increase on this Vote for the present year. He (Sir J. Graham) greatly misunderstood the feeling of that House and of the country if any sum was ever voted with more satisfaction than the charge for this provision would be.

SIR WILLIAM JOLLIFFE said, he begged to express his great gratification at the statement of the right hon. Baronet. A crying evil had existed, which he hoped would now be cured. It was also a matter of some complaint on the part of the officers, that sailors received one-third more provision on shipboard than soldiers, and that the latter had not enough to eat. He wished to ask whether any increase had taken place in the provisions allowed to soldiers at sea?

SIR JAMES GRAHAM said, it had been decided that the allowances of each sailor should be increased from $\frac{3}{4}$ to 1 lb. of meat per day, and that a corresponding addition should be made to the rations of the soldier. The soldier, however, did not undergo the same amount of labour as the sailor, and it was therefore right that the latter should receive a larger allowance.

Vote *agreed to.*

House resumed.

OFFICE OF EXAMINERS (COURT OF CHANCERY) BILL.

Order for Committee read.

MR. PHINN said, he wished to call the hon. and learned Solicitor General's attention to this Bill, and to the operation of the Bill of last Session. Before that period there were no means of obtaining oral evidence of any fact before the Court. The Act of last Session introduced a very remarkable change in that particular, and had afforded facilities as contrasted with the former state of things; but there were many questions which would spring out of this Act, and he trusted the hon. and learned Gentleman would, on some future measure, adopt such suggestions as the operation of that Act gave rise to. It was well known now that when parties came before the Examiner, there were no particular facts to which the attention of the Examiner was confined, and there were also no limits within which the examination was conducted. The Act of last Session also provided that the Examiner should have no power to decide upon what facts were material or irrelevant to the inquiry, and parties were thus involved in a very considerable expense, and a very great accumulation of evidence was the result. Again, it was necessary, under the present system, to bring witnesses from various parts of the country at considerable expense; and he maintained that there were functionaries in the country—for instance, the Commissioners of Bankruptcy, who at present enjoyed a life of comparative idleness — upon whom this duty might devolve. The position of the Examiner at present was purely a Ministerial one; he had no opportunity of regulating the proceedings of his own tribunal, and of reducing the proceedings to that state to which it was so necessary to reduce them in order to bring them to a termination. There were various matters connected with this Act to which he would call attention — but one prominent vice seemed to him to pervade the whole system. The great advantage of cross examination, which consists in the person who has to decide observing the conduct and demeanour of the witnesses, was entirely dispensed with according to the present system; and, though there was a great change as compared with the previous state of things, there appeared no prospect that it was one which would endure for any length of time. Gentlemen who undertook these offices ought to be apprised that if additional duties were placed upon them, or if a change took place in the nature of their offices—if, for instance, it was determined that they should assume rather judicial than ministerial functions—they would not thereby be entitled to retire, or entitled to any compensation whatever. In this way no Bill would be introduced like that with respect to the Masters in Chancery last year, when the public thought that, although a great change was effected, it was brought about at a considerable expenditure of public money. There were various details connected with the clauses of this Bill, which deserved attention, and particularly that regarding retirement. The whole matter was in a state of transition, and they ought not to limit themselves and create impediments in the way of future legislation by appointing officers who might hereafter claim compensation.

Mr. WALPOLE would suggest that they should now merely go into Committee *pro formâ*. The third clause of the Bill required very considerable alteration, as the wording of it was very defective. As the clause now stood, the annual sum to be paid to the Examiner under this Bill was to be made payable, not from the time of his appointment, but from the date of the resignation or death of his predecessor, so that he would receive a salary possibly for a considerable period between the time when the former Examiner left his office or died, and he was appointed. Words ought, therefore, to be introduced to something like this effect: — "Such annual sum to be payable from the day or date of the appointment of the new Examiner." The Bill now gave a retiring pension to the Examiner after fifteen years' service, so that if a gentleman were appointed at thirty years of age, it would be at his own option to retire by the time he was forty-five or fifty, receiving three-fourths of his salary. At the end of this third clause, the proviso, as it was drawn, did not carry into effect his own object. For these reasons the hon. and learned Solicitor General would, he trusted, consider the amendments of his hon. Friend (Mr. Mullings), and any other amendments which it might be thought right to insert in the Bill.

The SOLICITOR GENERAL said, that with respect to the wording of the last clause, the right hon. Gentleman would be somewhat surprised when he told him that that clause had been literally copied from the Masters' Abolition Act of last Session. He hoped the House would consent to go into Committee, on the understanding that the amendments would be embodied in the bringing up of the Bill, and considered on the report.

House in Committee. Clause 1 *agreed to.*

Clause 2 (Any person to be hereafter appointed to the office of Examiner of the High Court of Chancery, shall be a practising Barrister in some or one of the Courts of Law or Equity of not less than seven years' standing in the profession).

Mr. MULLINGS said, he objected to the clause on the ground that it would establish an entirely new principle with regard to the appointment of the Examiners. He considered that persons who had heretofore been eligible for that office—namely, solicitors of good standing, were at least as competent to take the examinations to which the Bill referred, as barristers of seven years' standing. He would therefore move that the clause be omitted; the right of appointment would then be left to the Lord Chancellor, who might appoint barristers if he thought fit.

Mr. MURROUGH said, he begged to express his concurrence in the views of his hon. Friend. When he considered the present state of the profession of which he was a member—when he considered that there were to be found in that profession men of education unsurpassed, of talents undeniable, of integrity unimpeachable, he thought they had a right to complain when they found that the tendency of modern legislation was to strip them of those resting-places which they had been accustomed to enjoy when they retired from active life. It appeared that nearly all those appointments for which solicitors had hitherto been eligible were now to be given to those paragons of judicial wisdom and discretion, barristers of seven years' standing.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 72; Noes 30: Majority 42.

House *resumed*. Committee report progress.

NEWSPAPER STAMPS.

Mr. BROTHERTON moved for a Return of the number of Newspaper Stamps, at one penny, issued to Newspapers in England, Ireland, Scotland, and Wales for 1851 and 1852, specifying each Newspaper by name, and the number of Stamps issued in each of the above years to each Newspaper (in continuation of Parliamentary paper No. 42 of Session 1852). He did not see why the Government should object to grant this return. The newspapers having a small circulation might object to it, but he thought it useful on public grounds.

Mr. J. WILSON hoped the hon. Gentleman would not persevere in his Motion. The return had been granted for a great number of years, but was dropped at the solicitations of a large number of newspaper editors and proprietors, who complained that this was not a revenue return, but a publication of the individual transactions of each newspaper proprietor. The Committee on Newspaper Stamps, sitting two years ago, called for a return of the stamps supplied to each newspaper; but he objected, on the part of the Government, to a continuation of the return.

Mr. MILNER GIBSON said, he should support the Motion for the production of the Return. In no other form could such satisfactory information of the circulation of the newspaper press be furnished. The Return contained nothing but the plain truth, and advertisers had a sort of claim, before they paid the Government taxes on advertisements, to have an opportunity of judging where they could advertise with the best advantage.

The CHANCELLOR of the EXCHEQUER said, he willingly admitted that this Return was read with great interest, but the House would, he hoped, pause before they called for a Return which had been deliberately abandoned by the House in the year 1837, and never since resumed. The publication of the Return by the Newspaper Stamp Committee took the proprietors of newspapers by surprise. They complained, with some justice, of the exposure of their concerns; and it had never been the practice of the Government to disclose the private affairs of any class of persons engaged in business. The right hon. Gentleman (Mr. M. Gibson) said that the Return called for would disclose the truth. So would the Returns of income under Schedules D and E of the property tax. They would show the profits of traders, and gratify a considerable amount of curiosity, and would besides furnish information which might be useful respecting the solvency of various firms. Why were these Returns not moved for? If there was a stamp in the case of newspapers, there was a tax paid for incomes. The cases were parallel. His reason for objecting to the Return was, that it subjected a particular class of traders to a hardship which did not apply to traders generally. He could not, however, subscribe to the doctrine that the Return would elicit nothing but the truth. If the law required an annual publication of the affairs of newspapers, it might be possible in a series of years to arrive at the truth; but the proprietor of a newspaper who happened to have a supply of ready cash might take advantage of a Motion like the present, made upon short notice, to lay in a stock of extra stamps, and thus give a fictitious appearance of prosperity to the undertaking with which he was connected. In conclusion, he expressed a hope that the House would not depart from the rule which it had observed for so many years with reference to this subject.

Mr. HUME thought the public was entitled to know which papers were the best for them to advertise in.

Motion, by leave, *withdrawn*.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, February 22, 1853.

Minutes.] *Took the Oaths.*—The Lord Bishop of Limerick.

Public Bills.—1ª Grand Jury Cess (Ireland).
2ª Law of Evidence (Scotland).

LAW OF EVIDENCE (SCOTLAND) BILL.

Lord BROUGHAM moved the Second Reading of the Law of Evidence (Scotland) Bill, the object of which was to extend to Scotland that which for a year and a half past had been the law of England upon this most important subject. Last Session the Lord Advocate brought in a Bill, which was passed, for improving the law of evidence in Scotland, by extending to that part of the kingdom that which had for some few years been the law in England, with regard to the admissibility of witnesses formerly excluded from giving evidence —a measure which had been most justly termed "Lord Denman's Act;" but it was not then thought expedient to extend to Scotland one part of the law of England, namely, his (Lord Brougham's) Act of 1851, making parties to the suit competent and compellable to give evidence—certainly a very great change, but a most beneficial one, in the law of England. He had been glad to hear from his noble and learned Friend opposite (Lord Campbell), that, though the great majority of the Judges were originally against that measure, yet the experience of the working of the Act had entirely altered their opinion, and, with a candour which did them infinite honour, but which to those who knew them could be matter of no surprise, they had since avowed their change of opinion, and without hesitation declared themselves in favour of the new law. That most respectable body, the Faculty of Advocates in Edinburgh, of whom as his brethren he (Lord Brougham) would speak with more than the ordinary respect and esteem which their high character commanded, had grave doubts originally, and more than doubts, of the expediency of this change of the law; but upon further consideration—he believed he might say even before the experience of its good working—they were strongly inclined to come round to the opinion in its favour; and they had now passed resolutions approving of its extension to Scotland, only suggesting one or two qualifications which he had fortunately happened to anticipate before the resolutions reached him, communicated by his hon. and learned Friend the Lord Advocate, whose Act of last year extended to Scotland Lord Denman's Act of 1843. The Bill was now framed entirely in accordance with the opinion of that body, and had met by anticipation with their cordial assent. It would be, however, necessary to make one or two verbal alterations in the Bill.

Lord CAMPBELL expressed his sincere satisfaction that this Bill was to pass with the approbation of the Faculty of Advocates, especially when it was considered how nice and exacting the Roman civil law was in all matters relating to evidence. They need not be at all ashamed of having had serious doubts upon the subject, because it had been unprecedented in the history of jurisprudence that parties could be allowed to give evidence for themselves. But he had reason to believe that they were now perfectly satisfied, and rejoiced that the noble and learned Lord was introducing a Bill with the qualifications adapted to the law of Scotland.

The LORD CHANCELLOR said, his noble and learned Friend, in introducing this Bill to assimilate the law of the two countries, had, however, gone beyond the actual existing law of England, because he had introduced into this Bill, as he naturally would, a clause respecting the case of husband and wife, with reference to which a Bill had already been read a first time in their Lordships' House, and he hoped it would soon become the law of the land. It was but due to his noble and learned Friend, to say that such a provision was introduced into his Bill of 1851. He had in that Bill a clause extending the law of evidence to husband and wife, and he (the Lord Chancellor) was then opposed to it; but he must confess that he had since had reason to change his opinion, and he now approved of such a clause; but the husband and wife would not be compelled to disclose what passed in confidence between themselves.

Lord BROUGHAM thought that this was sufficiently guarded against by the provision in the present Act, which prevented the parties to a suit being called as witnesses in cases of adultery, breach of promise of marriage, and divorce.

Lord CAMPBELL, in reference to the subject last mentioned by his noble and learned Friend, believed he might state that the Commissioners had signed a report, which would be speedily laid before Her Majesty, and, no doubt, communicated to the House; and he trusted that the system recommended in that report would meet the approbation of the House—namely, that the House should renounce the practice of passing an Act of Parliament in each case; that there should be a regular judicial tribunal appointed to take cognisance of these cases, consisting of a Vice-Chancellor, an Ecclesiastical Judge, and a Common Law Judge, and that the proceedings should take place judicially where the petition came from the husband on the ground of the wife's adultery; but that in the extraordinary case of the wife seeking a dissolution of the marriage for the husband's misconduct, that should be matter for legislation, because it would be impossible that any code could be laid down by which a court of justice could be regulated in deciding cases involving such variety of circumstances.

Bill read 2^a.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 22, 1853.

MINUTES.] PUBLIC BILLS.—1° Public Houses. 2° New Forest Deer Removal Act Amendment.

HER MAJESTY'S THEATRE ASSOCIATION BILL.

Order for Second Reading read.

MR. PHINN, in moving the Second Reading of this Bill, said, it was well known that there was great difficulty experienced at present in carrying on Her Majesty's Opera House, in consequence of the public not adequately supporting it, or because persons could not be found possessed individually of sufficient capital for undertaking such an enterprise. The object, therefore, of this Bill was to vest in a large number of noblemen and gentlemen, who took a deep interest in the promotion of the fine arts, the powers and privileges of a corporate body, to enable them to carry on Her Majesty's Opera House in a conjoint capacity. The necessity of such a course was obvious, for many who were anxious for the sake of art, and not for gain—who were willing to risk a certain sum, but who were not disposed to peril their whole fortunes—sought for protection in an ascertained amount of liability. He hoped, therefore, that if any hon. Member objected to the details of the Bill, he would at least allow it to be referred to a Select Committee. In the Address from the Throne at the opening of the Session, Her Majesty recommended Parliament to consider the means of advancing the cause of education and the cultivation of art; and it was in that spirit that he now craved the favourable attention of the House to the present Bill. In other countries the Government took a warm interest in enterprises of this nature—at Madrid, Paris, Naples, Vienna, Milan, and all the other great capitals of the Continent, the Government not only encouraged opera performances, but furnished the necessary funds for carrying them on. In this country, however, private lessees were left entirely to their own resources, and the result was, that they had long been in a state of notorious insolvency. The question, therefore, that the House had to consider was, whether for the interests of all concerned it would not be better to have a body of gentlemen associating together to provide a large paid-up capital for the maintenance of the opera, and entrusted with its administration, than to leave the undertaking to single individuals, with necessarily but a comparatively small capital at command, which capital was likely very soon to be exhausted? From the time of the great Handel, almost all the private lessees of Her Majesty's Opera House, including the names of Mr. Taylor, Mr. Waters, Mr. Monk Mason, Mr. Laporte, Mr. Lumley (to which latter gentleman the public were much indebted for his efforts in the cause of fine art), and others, had either been entirely ruined or had sustained heavy losses in their attempts to carry on this great theatre. Therefore, not only for the sake of their own and the public amsement, but also for the interest of music and art, as well as for the good of the numerous artists who would otherwise remain unemployed, the promoters of this Bill had agreed to subscribe a capital amounting to 198,000*l.*, for the purpose of carrying on this enterprise; and it was to enable them to do so that this measure had been brought forward. He knew that some parties who were interested in other houses might be opposed to this Bill, because its defeat would have the effect of giving them a practical monopoly, and enable them to engage the services of artists at a cheap rate; but that opposition, he was sure, would not have much weight with that House. This Bill would continue that which had been thought to be the appropriate site of the lyrical drama for the last 150 years—an institution which sovereigns had considered important to the cultivation of the fine arts, and intimately connected with the interests of the Royal Academy of Music, which was specially favoured with royal patronage. Another objection to this Bill was, that it involved the principle of limited liability; and no doubt it did involve that principle; but they could not expect gentlemen—in what was not a mere commercial speculation, but an undertaking for the public benefit—to be willing to involve their fortunes to an unlimited extent. Again, there had been two Committees of that House on the subject of the law of partnership, and after their Report he had thought that the principle of limited liability might be regarded as a settled point. But he had two Acts of Parliament before him concerning Drury-lane Theatre, which were precedents for the Bill now before the House. In 1810, Drury-lane Theatre was destroyed by fire, and on the 21st of June, 1810, the Act 50 *Geo.* III., c. 214, was passed for rebuilding the theatre, of which the Preamble was as follows:—

> "Whereas the existence of well-regulated theatres, substantially built, and capable of affording the best accommodation to be obtained for the public, with respect to the surrounding avenues, passages, and approaches, as well as to their fitness for scenic representation, has always been considered to be a matter worthy both of Royal attention and Legislative protection."

That Act conferred upon a corporate body of gentlemen the power to rebuild the theatre, and fit it for scenic representations, and to let it to anybody who wished to hire it. That Act certainly gave no power to the company, or to any sub-committee, to carry on the theatre on the principle of limited liability—the principle of limited liability, according to that Act, only extended to the building of the house, and the adapting it to the purpose of performances; but there was another Act passed, the 52 *Geo.* III., c. 119, sec. 30, which gave power to a sub-committee to employ actors and others at such salaries and in such manner as they might think fit. Therefore, there was a precedent for giving a theatre now existing in this town the same powers as he asked the House to confer by the present Bill; and he could not understand how any objection based upon this ground could be successfully offered to this measure. At least the same objection would equally apply to the Crystal Palace Company or any other like body. He knew that it was exceedingly difficult to command the attention of the House on a case of this kind; therefore, without trespassing on its time further, he would only ask the House to allow this Bill to be read a second time without pledging itself to the Bill precisely as it stood, but giving its promoters the same courtesy that was granted to every other measure of that character, namely, that of being submitted to a Select Committee, where its provisions might be discussed, and any objections that might be offered to its details might be considered.

MR. HUME said, he would not call in question any of the arguments of the hon. and learned Gentleman who had moved the second reading of this Bill; nor would he express any opinion now upon the soundness of the principle of limited liability. But as the right hon. Gentleman the President of the Board of Trade had informed the House last night that there was about to be a Commission issued by the Government to inquire into the question of limited liability, and as this matter came before the House in the character of an appeal from the decision of the last as well as the present President of the Board of Trade, he thought it would be improper to allow this Bill to be read a second time under the circumstances.

MR. MONCKTON MILNES said, he thought the answer to the hon. Member for Montrose (Mr. Hume) was, that this was not the Bill of a trading company at all, and was not therefore open to any of the objections which were applicable to the principle of limited liability. Her Majesty's Theatre had brought bankruptcy upon many worthy men, whose capital was not sufficient to carry on that noble institution with success. If anybody could have carried it on singlehanded, it would have been Mr. Lumley, whose energy and enterprise had reflected the greatest credit upon him as a manager; but the question was, whether this magnificent building was to be entirely closed to the public, or whether a number of noblemen and gentlemen of the most unblemished character should be empowered to risk a certain portion of their fortunes for the public amusement, and the promotion of the fine arts. The question was a very simple one, and he could not see how there could be two opinions upon it. He could conceive only one kind of opposition to the Bill, and that must come from persons interested in another theatre, who did not wish to see Her Majesty's Theatre open. The best thing the House could do was to pass the Bill, and allow the two theatres to come into fair competition.

MR. CLAY said, he could not regard the association but as a commercial speculation, and thought it would be very unwise to inflict serious damage on others by conferring exclusive privileges on persons with whom they were in competition. He would have perpetrated a job, if possible, in favour of Her Majesty's Theatre; but this Bill was too bold a violation of principle. The competition between the two Italian Opera Houses had led to this, that they never had before such orchestras, scenic decorations, and dramatic and musical talent as had been seen since the opening of Covent-garden, and he thought it would be very unfair to fetter that competition now.

Sir GEORGE PECHELL said, he objected to the Bill, because he thought the House should stand by the opinions it had expressed in similar cases, and he called on the right hon. President of the Board of Trade to state his views respecting the Bill.

Mr. CARDWELL said, that he had felt naturally reluctant to intrude himself at an earlier part of this discussion, because moving the second reading of this Bill was, perhaps, an appeal against the decision of the Board of Trade, although not against an original decision of his. This subject came before the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who so ably transacted the business of his department under the late Administration. It was proposed to the right hon. Gentleman that he should grant a charter of limited liability; that charter the right hon. Gentleman refused. He (Mr. Cardwell) had every reason to suppose the right hon. Gentleman had no doubt on his own mind as to the propriety of the course he pursued; and he considered he was governed both by principle and by the precedents of his department to refuse that application. The case had since been brought before him (Mr. Cardwell), and he had felt it his duty to enter most fully into a review of it. Mr. Lumley had a long interview with him, and he paid every attention to the representations of that gentleman; but when he left him he had not the shadow of a doubt that the decision of the right hon. Gentleman (Mr. Henley) was perfectly consistent with sound principle and all the precedents. But it was said that this was not a trading concern. He hoped that the creditors would find no reason to say hereafter that it was a trading concern. But there was no reason why limited liability was asked for? In the able speech of the hon. and learned Gentleman (Mr. Phinn), he avowed that unfortunately no individual could be found whose means were adequate to meet the demands that were made upon him; and the hon. Member for Pontefract (Mr. M. Milnes) had said that it was so clear a case that no two men could come to a different opinion upon it. All he (Mr. Cardwell) could say to that was, that the law had cast the responsibility of considering the question upon two men, and they had both arrived, after mature deliberation, at a conclusion exactly opposite to that of the hon. Gentleman. The precedent of the Drury-lane Act had been cited. He had that Act before him, and he asked the House of Commons to bear in mind that they could not agree to a Bill of this kind without establishing a precedent. He admitted that the Drury-lane Act was a precedent, and if they agreed to this Bill it would establish a precedent also. He had been much pressed with the great respectability of the individuals in whose behalf the charter was asked, and no doubt they were persons of the highest consideration. But the law acknowledged no distinction between one person and another; and he undertook to say that if, by reason of the great respectability of the parties for whom this charter was sought, they acceded to this request, they would be embarking in a course in which they would hereafter be unable upon any intelligible principle to refuse to concede to persons whom they might not consider fit to receive it, the principle of limited liability. He said this without intending to cast the shadow of a shade of disrespect upon the persons who were promoting this Bill. That being so, he believed he would not be doing any one injustice if he said that the one object of this Bill would be to obtain a limited liability; and that it was because the ordinary provisions of the Joint Stock Act would not allow of that limitation that a special Act was asked for. Therefore it was not a question of detail which the House was asked to consider, but a question of principle. Would the House or would it not set the precedent of giving limited liability in this particular case? He thought it ought not. He said it was contrary to almost all the former precedents, and was one that ought not to be set at this time. The hon. and learned Gentleman who introduced the Bill said, that after the inquiries that had taken place before two Committees of that House, on the propriety of altering the law of partnership in this respect, he would have thought that the principle of limited liability was a settled point. Certainly then the hon. and learned Gentleman must have thought very differently from those Committees themselves, for after two years of painful investigation, they recommended the Crown to issue a Commission further to inquire into the subject, and the Crown was about to issue that Commission. He hoped the result of the labours of the Commission would be the settling of the law, and the laying down upon what principle limited liability was to be given in any case if possible, in order that that extremely difficult and extremely painful duty which the right hon. Gentleman opposite (Mr. Henley) had to discharge in this case, and which he (Mr. Cardwell), upon a review of his decision, felt that he had rightly discharged, might be thrown as little as possible upon a public servant. That being the case, he did not think this Bill ought to pass. He had only a right as an individual Member of the House to give his opinion on the principle now at issue, namely, whether there should be limited liability; and if the question were carried to a division, he must vote against it.

MR. PHINN, in reply, said, that this was not an appeal against the decision of the Board of Trade. A public department could only decide according to its own usage; but it was the province of Parliament to legislate according to the circumstances of the case.

Motion made, and Question put, " That the Bill be now read a Second Time."

The House *divided*:—Ayes 79; Noes 170: Majority 91.

REDUCTION OF INTEREST UPON EXCHEQUER BILLS.

MR. MASTERMAN said, he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer arising out of a paragraph which had appeared in a morning journal of that day reflecting on the high character of a body with which he had the honour to be connected. The question he had to ask the right hon. Gentleman was, whether the Governor and Company of the Bank of England were aware of the intention of the Government to reduce the rate of interest on Exchequer Bills from $1\frac{1}{4}d.$ to $1d.$ a day before the 12th of February, the accusation conveyed in the paragraph being that they had been in possession of that information some ten or fourteen days beforehand, and had used it for their own private advantage?

The CHANCELLOR OF THE EXCHEQUER: Sir, I trust that the House will excuse me, if I endeavour to give an answer to the question my hon. Friend has put to me, in the most distinct terms I am able to command, for it is a question which is not altogether of a common order, relating as it does to the character of an establishment standing so high in public estimation as the Bank of England, and whose high character it is so necessary to maintain. The statement to which my hon. Friend refers was the statement, not of a morning journal, but of the correspondent of a morning journal—printed certainly in a conspicuous manner—and it was to the effect that there was not proof, but a presumption, that the Bank of England was aware of the intention of the Chancellor of the Exchequer to reduce the rate of interest on Exchequer Bills to a penny a day some considerable time before that reduction took place, and that it availed itself of this knowledge to sell a large amount of Exchequer Bills at a premium much higher than they would have been likely to realise after such reduction. That is in substance the statement to which my hon. Friend has referred. Now, the exact date when the intended reduction of the rate of interest on Exchequer Bills became known to the public, was on the 15th of this month—the time when the formal act which determined the reduction was perfected was the evening of Monday, the 14th, and I did not think it right to ask any advice from the authorities of the Bank of England, or to take any steps to ascertain the opinion of the Governor and the Deputy-Governor of that establishment on the subject any long time before that period; and it was only on the afternoon of Saturday, the 12th, that I addressed a note to the Governor requesting him and the Deputy-Governor to favour me with their company in Downing-street, at an early hour on the 14th; nor did I in that note specifically state the object upon which I wished to confer with them, but that it was upon a subject on which it was necessary a decision should be come to on the Monday. No doubt, though the purpose was not stated in distinct terms, the Governor and Deputy-Governor, with their knowledge of business, would gather from the note that it must relate to the interest on Exchequer Bills; but the House will see from this statement that no communication was addressed by me to them until the 12th, which is a conclusive answer to the imputation that has been so rashly made. It was on the morning of Monday, the 14th, that I first saw the Governor and Deputy-Governor, and consulted with them; and when they left me, about the middle of that day, they were even then not possessed of what my final intentions on the subject were. I hope, therefore, if there is the slightest doubt in the mind of any man on the subject, that what I have now stated will be sufficient to dispel it. And I think it is but just to the Governor and Deputy-Governor of the Bank of England, that I should add that they are not in any way or degree responsible for the course taken by the Chancellor of the Exchequer, though they gave their recommendation, as they always do, in the most frank and friendly spirit, of what they thought best for the public interest. I, on the part of the Government, gave their recommendation the attention to which it was entitled, determined, however, to take that line of conduct which I thought the public interests demanded, and they are in no manner or degree responsible.

CUSTOM-HOUSE REFORM.

Mr. HORSFALL said, that a Committee of that House had sat for a considerable time for the purpose of considering the present constitution of the Board of Customs, and the system pursued by them, with a view of remedying the evils complained of by the mercantile body. He believed the late Government had intimated their intention to introduce a measure on this subject, and he wished to ask the right hon. Chancellor of the Exchequer whether it was the intention of Her Majesty's present advisers to introduce such a measure, and, if so, when?

The CHANCELLOR of the EXCHEQUER said, that he could not at present undertake to say whether any measures to be taken by the Government for the improvement of the Customs department and its machinery would or would not require an Act of Parliament. The whole subject was under the consideration of the Treasury, the result of whose deliberations would, probably, be embodied in a minute; and, if so, he should have no difficulty in laying that minute on the table of the House at the proper time, which he hoped would not be far distant, together with a Report of the Board of Customs on that of the Committee of that House—a Report in which they had furnished the Government with very important matter for their consideration. In one important respect a change, which in point of fact must be the foundation of all other measures, was in progress at the Board of Customs. To have reduced the number of the Members of that Board, would, under ordinary circumstances, have been attended with considerable expense; but within the last two months, or little more, a reduction had taken place. In December last, the number of Commissioners was eight; but about the time of the change of Government Mr. Lushington resigned, which reduced the Board to seven, the precise number which had been recommended by the Commission which sat in 1842. Within the last fortnight or three weeks, another member of the Commission had intimated his intention to resign—indeed, he believed had actually sent in his resignation; and the noble Earl at the head of the Treasury having, after consultation with the Chairman of the Board of Customs, decided that it was not necessary that this vacancy should be filled up: the number of the Board would be now reduced to six. It would remain for consideration whether any, and if so what, other changes should be made in the constitution of the Board, and when the views of the Treasury had been definitively formed upon this point, they would be intimated to the House.

OFFICE OF SPEAKER.

Sir ROBERT H. INGLIS rose to bring forward a Motion of which he had given notice—

> "For a Select Committee to consider the best means of providing for the execution of the office of Speaker in the event of Mr. Speaker's unavoidable absence by reason of illness or other cause."

The Motion was one with regard to which he had at least this satisfaction, that it could not provoke any unkind or hostile feeling on the part of any one; but, on the contrary, he hoped it would receive the support of all parties. When he had suggested the subject in December last, he had received the sanction of the right hon. Gentleman who was then leader of the House, and he had then, also, communicated with the noble Lord the present leader of the House, who was not only so good as to promise to support the proposition, but to offer to serve on the Committee. Thus fortified he hoped the Motion would not be opposed on either side of the House. The subject was one involving so materially the first person in that House, that though he would not throw on any one the responsibility of the proposition he was about to make, he would add that he would not have undertaken to bring forward the Motion himself if he had been acting contrary to the mind or wishes of the Speaker himself. The wonder was not that such a Motion should be brought forward now, but that on the 22nd February, 1853, it should be left to any one individual to propose such a measure to the House. Because the proposition was not only now supported as he had stated, but it had the authority of Mr. Hatsell, who in his book on Parliamentary law and proceedings, published fifty years ago, said—

> "It is remarkable that notwithstanding the inconveniency which must attend the public business, in the necessary absence of the Speaker from personal indisposition or from any other cause, no measure has yet been adopted for the appointment of a Speaker *pro tempore.*"

He (Sir R. H. Inglis) might almost rest his Motion on that authority; but as no one else had called the attention of the House to the subject, it would not be respectful to the House to rest a proposition for an alteration in its mechanism on a mere statement of any authority, however final. He would refer to the practice of the House, and then to the possible inconvenience to its business which might occur from the act of no human being. In the old Journals of the House, the Speaker was called "the mouth of the House." That definition comprehended in the simplest form the greater part of the functions which he was called upon to perform; for the Speaker always addressed the Crown, he enumerated the last Bills of the Session, and asked for the privileges which were the defence of the House in its deliberative character. But independently of that, the Speaker was a necessary part of the organisation of the House, and its simplest and most elementary part. He would not allude to a visitation, which he trusted would for a long period be averted, which might incapacitate the Speaker for the service of the House; but he spoke of ordinary human contingencies which affected all men in their turn, and from which his station did not exempt the Speaker: an ordinary cold, for instance, which every Member might suffer from, and of which he might relieve himself by staying at home, would prevent the Speaker from discharging his duties. He was the mouth of the House; he had "put the question," only last night, three hundred times, and sometimes he had to put it five hundred times in the course of one evening; and, if his voice were rendered incapable, he would be inaudible, and his functions be *ipso facto* annihilated, and the public business suspended by what might happen to every one of the Members in the course of the Session. He remembered that his noble Friend Lord Mahon, talking of a very critical political period, about fifteen years ago, said that the fate of the Government might depend on a single Member's catching cold: so near did votes run. A cold, which might destroy a Government, might suspend the business of the House, as it would the personal functions of the Speaker; and it was strange that the House had not provided some remedy for such a probable evil. That House was the only deliberative assembly in the world which had not provided for the temporary absence of the honoured individual who presided over its deliberations. The House of Lords had not left itself in that state of uncertainty. They had the Lord Chancellor and two Deputy Speakers. When France had a representative Chamber it had four Vice-Presidents. In the United States the Speaker of the House of Representatives had a power which the Speaker of that House did not possess, and did not desire to have, namely, to call up *pro re nata* some member to fill the chair; and not only was this the case with such national assemblies, but even such bodies as the Bank of England, the East India Company, and the Royal Society, made provision for their business being carried on in the temporary and unavoidable absence of their Chairman or their President. In the British House of Commons, however, if the Speaker were absent, there must be a new election of a Speaker; and to avoid any such proceeding, while the Chair was filled as it now was, he (Sir R. H. Inglis) wished to provide, by the Motion which he was about to submit to the House. It had been said to him when he last incidentally brought the subject before the House, that he had proved too much, when his references showed how unfrequent the absence of Speakers of that House had been, and, consequently, how unfrequent they were likely to be. The Journals of the House began in 1547, and for fifty-nine years after there did not appear to have been any absence of a Speaker, from illness; but then the House would recollect how little strain there was at that time upon the mind or body of the Speaker. In 1606 the first instance of the absence of a Speaker from ill health occurred. On Monday, 16th March of that year, it was reported that "the Speaker was very sick," although he had on the previous Saturday written a very weighty letter to the Judges of Assize desiring that the High Sheriff of Essex should attend the House, as the King required his services. The House accordingly adjourned, and public business was suspended for a few days. From 1606 to 1656 there was no absence of the Speaker, from sickness, except on one occasion, when it was stated that, as Mr. Speaker Widrington entered the House, "they took notice of his weakness of body;" and, as he was unable to preside, they put the Lord Commissioner Whitelocke in the chair, under whose presidency business was carried on for a few days. He (Sir R. H. Inglis) was just asked by a Member near him how they came to do that; but he was not quoting this as an authority, because that was the time of the rebellion, when there was no King—at least when no King was reigning over here, for we always had a King—and none of the usual forms were observed. In the same year Mr. Challoner Chute, while Speaker, became ill, and Sir Lislebone Long was appointed Speaker during his illness, "and no longer." In 1659, Mr. Lenthall being in the chair as Speaker, became ill, and another Speaker was elected to supply his place temporarily. The next instance of absence was in 1672, when Sir Job Charlton, the Speaker, was ill. The marginal note in *Grey's Debates* stated "he was sick of his post." The next instance of absence from illness was that of a remarkable Speaker, the memorable Sir Edward Seymour, who took so prominent a part in the Revolution of 1688. He was taken ill, and the Comptroller of the Household brought a letter to the House, stating that Mr. Speaker was ill, and unable to use his pen, and a gentleman was nominated by the Secretary Coventry to take his place. The House resented this as an interference with their privileges, and Secretary Coventry, having withdrawn his attempt to nominate, the House elected Sir Robert Sawyer. But Sawyer, too, became sick, and retired, and there is reason to suppose that an arrangement had been made that Seymour should again be restored to his office; for it appeared by a reference to the Journals that, the Speaker being ill, notice was taken that Mr. Seymour was recovered, and it was proposed he should be re-elected; he was accordingly re-elected, and the House of Lords being then sitting, and the King on the throne, Seymour on the same day was presented, received the Royal approbation, and entered on his functions. That was in 1678. In 1694 Mr. Speaker Trevor wrote a short but meaning note to the Clerk at the table, to request the House to excuse him from attendance, as he "had a violent colic," and he was excused accordingly. That was an ordinary case, looking merely at the entry on the Journals; but it was a very remarkable one, when it was remembered that the day before Trevor had been accused by a Report of a Committee of most nefarious conduct in accepting 1,000 guineas to promote the irregular passage of a particular Bill through the House. From 1714 to 1733 Mr. Speaker Onslow was only four times incapacitated from attending, namely, in 1730, in 1737, 1738, and again in 1747. Sir John Cust was also absent in 1763 and 1764, and the House adjourned from day to day on these occasions, until he had recovered his health, and was able to resume the discharge of his functions; and it should be remembered that in these two cases the House was prevented from discharging its duties from the 18th to the 23rd of November, and from the 22nd to the 24th of February. It was easy to say that it mattered little whether the House sat a week more or less in any particular Session, or in any particular week or not. But he must remind the House that cases had occurred in our own time, and even in the last week, in which the public service required the continuous presence of the Speaker in the chair. It was only last Wednesday that a Bill passed through all its stages in one day, and it was considered vitally important to the public service that it should. He (Sir R. H. Inglis) had a return of the number of Bills which passed through all their stages in one day during the first twenty years of the present century. Those Bills—some, at all events—were of great commercial or political importance; and was it not important that the House should be able to sit on such occasions? Take again, the Transfer of Aids Bill. He saw several Gentlemen who had been Chancellors of the Exchequer present, and he would ask them whether, in such a case, delay in passing such a measure might not seriously affect the public interests? During the period from 1801 to 1850, twelve Bills, which the Government must of course have considered to be important, were passed through all their stages in one day; amongst them being two suspensions of the Habeas Corpus Act. It might be said that such hurry was not required; but it was sometimes—take, for instance, the Bank Suspension Act in 1819—and for such cases provision should be made. He would put it to the House whether, if any such emergency arose, it would not be important to make provision, in order that the absolute necessity of the personal presence of the Speaker might be avoided. Then there was another Bill, the Bill for correcting errors in the Valuation of Lands (Ireland) Bill, which was passed through all its stages in one day. He was not anticipating a calamity which would permanently deprive the House of the services of the Speaker, but only such ordinary occurrences as might temporarily cause his absence; and he did urge the House not to let the opportunity pass without at least an inquiry as to what might be done on the subject. He had said that there was no other deliberative assembly which was unprovided in this respect; but when even in such bodies as the Bank, the East India Company, the Royal Society, &c., provision was made for the possible absence of their Presidents—should it be said that the House of Commons relied on such a combination of circumstances as were now necessary to prevent the interruption of their deliberations? He had a list of the number of Members who had been absent from the House through illness in the last ten years. What right had they to assume that the Speaker would never suffer in the same way? He had taken the years when there were no Election Committees, and nothing to cause any unwillingness to attend the public service for the number of Members absent through illness. Besides, the Speaker was not made of cast iron; he had a wife, children, a father and mother, and domestic affections, as well as other people. And yet there were only two or three instances, so far as he could recollect, in which the Speaker had been absent, from any such cause. The Speaker, Cornwall, from the illness of a near relation in 1783; the Speaker, Addington, in 1790, from the death of his father; the Speaker, Manners Sutton, from the like cause in 1828. On another occasion Mr. Speaker Grenville was absent, in the service of the country. If they had such an officer as he suggested, those detriments to the business of the House would not have arisen. He did not think that it was necessary, in asking for a Committee of inquiry, that he should state particularly the course he proposed to adopt; but if they admitted the evil of the present arrangement—and he did not see how it was possible to deny it—they must provide a remedy against its recurrence, and they must be prepared to proceed by Act of Parliament. Most of them would remember the difficulties that had arisen during the last ten years from doubts respecting the accuracy of the Speaker's warrant. It was absolutely necessary that the Speaker's warrant should be such as would defy all legal objection; but it was still more important that the officer who subscribed the warrant should himself be duly appointed. It was not sufficient that the House should appoint some one of its Members in the Speaker's absence to take his place. The precedents showed that that course had been recommended in former times, but had been resisted by great constitutional lawyers, because the recognition of the Speaker by the Sovereign on the Throne was a necessary preliminary to his taking part in any of the business of the House. If that were the constitutional doctrine, he contended that no Resolution of the House, no Address from the House to the Crown, with an answer from the Crown in favour of such Address, would reconcile any adverse party to a proceeding emanating from an authority which he was advised to dispute. The same authority which enabled the Speaker to sit in the chair with so much dignity and usefulness, must be employed with reference to the individual who was to succeed him; and if the office should remain unfilled, even for one day, an occurrence might arise which would cause serious inconvenience, and he might even say degradation, to the authority of the House. He hoped the necessity he had pointed out might never arise, and that the Speaker might long continue to fill his present situation as he had filled it hitherto; but when they looked at the uncertainty of life and of health, and not only the life and health of one individual, but of those who were dear to him as himself, there might arise occasions when he could not attend, and the House would see the necessity of adopting such a course as he now recommended. The hon. Baronet concluded by reading the Motion.

MR. HUME thought the hon. Gentleman had himself shown why this Motion should not be agreed to. He had shown that in fifty or sixty years no occasion had arisen, or that, when it had arisen, the remedy the House had applied was sufficient, and that no difficulty had been experienced. He submitted, then, that there was no necessity for inquiry. If the necessity arose, the Chairman of Ways and Means could discharge the duty. When a similar proposition to that now brought forward was made in the Committee upstairs, an hon. Member observed that if there was no deputy he would never be wanted, but if there was a deputy it would be found that the Chair would be more frequently filled by him than by the Speaker. It might be urged that public companies had vice-chairmen; but no public companies were ever blessed with such healthy officers as the Speakers of the House of Commons had been. As long as the right hon. Gentleman sat in the chair, no occasion, he trusted, would occur for absenting himself. However, they were all mortal, and it was quite possible that some cause for temporary absence might occur; but he hoped the good sense of the House, in such an event, would enable them to find a substitute. He thought they should continue in the course they had hitherto adopted, without making any new appointment.

Motion *agreed to.*

MAYNOOTH COLLEGE.

Mr. SPOONER presented petitions from several places against any further Grant to Maynooth, and one from Manchester, in which the petitioners stated that they had always objected to the support given by the State to the Romish College of Maynooth.

On question that these petitions do lie on the table,

Mr. LUCAS, as a point of order, asked whether such a petition as the last referred to could not be fairly objected to on the ground of the disrespectful language in which the Roman Catholics were named? The hon. Gentleman, either in reading the prayer of such petition, or in describing it, had used the word "Romish" in speaking of the Roman Catholics. That was a nickname which, he submitted, should not be used by any persons when speaking of a large portion of Her Majesty's faithful subjects. He certainly objected to the use of any such name to designate the sect to which he belonged, and he should suggest that the petition, if the expression occurred in it, should not be received until amended by the alteration of the offensive epithet.

Mr. SPOONER said that the word "Romish" was in the petition as he had read it.

Mr. HUME would submit that the phrase was objectionable. It was not the first time he had seen it used. He had taken it on himself to strike out such objectionable phrases from any petitions entrusted to him. He thought that the hon. Member for North Warwickshire should consent to have the word struck out.

Mr. SPOONER said, that he took a different view of the duty of a Member of Parliament to that of the hon. Member for Montrose. If he saw any objectionable phrases in a petition, he should certainly refuse to present it, but he would not take it on himself to alter a word of it. He did not see that this was at all an objectionable phrase, or that it would induce the House to object to the presentation of the petition. He thought that the word merely expressed the education of the Roman Catholics at Maynooth in a short way—"Romish College." He would certainly prefer to withdraw the petition rather than to alter one word of it.

Mr. HUME said, that he, for one, would not give his sanction to the presentation of any petition that conveyed an insult to any religious body or sect, and would request his hon. Friend to withdraw the present one.

Mr. SPEAKER reminded hon. Members that the rule was to receive all petitions unless such as contained language either disrespectful to the House, or libellous towards any individual or any party. Although petitions might be laid on the table of that House, they were afterwards liable to the inspection of the Committee on Public Petitions, with a view of preventing libel or any offensive matter contained therein being published. If the present petition were ordered to be printed, the Committee might, by order of the House, omit those parts which were considered offensive; but under the present circumstances he did not see how the petition complained of could be rejected.

Petition ordered to lie on the table.

Mr. SPOONER then rose to move the Resolution of which he had given notice:—

> "That this House do resolve itself into a Committee, to consider the Act 8 & 9 *Vict.*, c. 25, being 'An Act to amend two Acts passed in Ireland for the better education of persons professing the Roman Catholic Religion, and for the better government of the College established at Maynooth for the education of such persons, and also an Act passed in the Parliament of the United Kingdom for amending the said two Acts,' commonly called the last Maynooth Act, with a view to the repeal of those Clauses of the said Act which provide Money Grants in any way to the said College."

The hon. Member said, that when, during the last Parliament, he thought it his duty to bring under the consideration of the then existing House of Commons the system of education carried on at Maynooth, he asked for a Select Committee to inquire into that system. He stated his reasons for so asking—namely, that he was prepared to prove that the education there carried on was injurious to society, detrimental to morality, completely subversive of due allegiance to the Sovereign, and antagonistic to the holy Word of God. He stated that such was his opinion; that he had read many of the books taught at Maynooth, and returned as such, and had examined them. He had then asked the House of Commons for a Committee of Inquiry, because he thought that very few Members had taken the trouble of investigating the system of education pursued in the college; and he knew that many Roman Catholics, both inside and outside the House, knew nothing whatever of the doctrines there inculcated. He had further stated, that one Roman Catholic Member of that House, who was not now a Member of it, when he quoted to him some of the contents of the books used at Maynooth, said to him (Mr. Spooner), "These are not my opinions. If these are taught in the College of Maynooth, the sooner the system is abandoned the better." He (Mr. Spooner) believed also that the public were not at all aware of that system of education, nor of the consequences that followed from it, when year by year they remained content under a charge of 30,000*l.* for the support and encouragement of such a course of education as he then described. But how was he met when he called the attention of the House of Commons to the subject? He was met by no small amount of personal abuse—he was met by imputations of sinister motives—he was charged with endeavouring to raise an electioneering cry; but he was not met with one single denial of the truth of the statement which he had then made. There was no denial that those books from which he quoted were used in the college—there was no denial that those books contained the extracts he had made. And he said that such being admitted, that at once took away the necessity for further inquiry into the system. His charge was fully admitted—that those books were taught there, that that system of education was adopted, and with those admissions he felt that there was really no necessity for inquiry. He would say more; he then moved for an inquiry, not from any doubt respecting the necessity for that inquiry pressing on his mind, but with very considerable doubt whether he was right in limiting himself to inquiry, because he feared that, by asking merely for an inquiry into details, it would be considered that he recognised the principle, and thought it was right if the details were correct. He opposed the grant in 1845 on principle; he was then a conscientious and regular supporter of the Peel Government. He held the same opinions now. He asked the House to do their duty to the country, to do their duty to their Sovereign, and to do their duty to themselves. Each Member of this House was sworn to do the best in his power to support the established institutions of the country in Church and State. ["No, no!" *from several Roman Catholic Members.*] Then he would refer them to the oaths which they took on entering that House. ["Read, read!"] He would read them. Did any one deny that the Protestant oath was one to uphold the Protestant Church? The words are these which the Protestant Members swore:—

> "I do swear that I will bear faithful and true allegiance to Her Majesty Queen Victoria, and Her will defend to the utmost of my power against all traitorous conspiracies, and all attempts whatsoever which shall be made, against Her person, crown, or dignity."

What oath had they called on the Sovereign to take? Was She not bound to maintain the Protestant constitution in Church and State? Were they, then, performing their allegiance to the Crown if they neglected to support the Protestant constitution in Church and State? [*A laugh.*] He said that they might laugh if they pleased; but if there was any meaning in the words, "I will bear faithful and true allegiance" to the Sovereign, they were sworn to defend Her in the performance of those duties which the State imposed on the Sovereign; and one of those duties—the main duty of the Sovereign—was the observance of that upon which the very title of the Crown depended—namely, to support "the Reformed Religion established by Law." Well, what was the Roman Catholic oath?—

> "I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws. And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm. And I solemnly swear that I will never exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion and Government in the United Kingdom.

And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever."

He asked, did not every Member who took that oath solemnly swear that he would do his utmost to preserve the Protestant constitution in Church and State? He said, that if the Protestant Member swore to maintain due allegiance to the Crown, he must recollect that the Crown is bound by an oath to preserve "the Protestant Reformed Religion as established by Law." How then was a Protestant to preserve his allegiance, unless he did everything in his power to support the Sovereign in the discharge of that duty which She had solemnly sworn to discharge? And, as to Roman Catholics, the oath they took expressed in clear words their duty to preserve the Protestant Establishment in Church and State. Let them look, then, to the education taught at Maynooth—he would not go into many details; but he would boldly make this assertion, that the education carried on in the College of Maynooth did really and truly justify that conduct which they all so cordially deprecated—that violent, unconstitutional, and, he would almost say, rebellious conduct which had taken place during the recent elections in Ireland. He said that the education taught in Maynooth justified it; and if any man was brought up and tried for these overt acts of riot and disturbance, he might turn to the books of Maynooth, and say that that House had taught him such conduct—for it paid the priests for teaching him, and he had merely obeyed them. In those books this doctrine was laid down, that every thing must be sacrificed for the interests of the Roman Catholic Church—that an oath was no longer binding on the conscience than was consistent with the interests of that Church — and that no faith was to be kept with heretics, if the interest of that Church should require the obligations of faith to be disregarded. He had proved that these were the doctrines contained in the books of Maynooth; and then, he asked, whether he was using too strong expressions when he said that those who rebelled against the laws of the country were by the act of that House justified in their rebellion, owing to the system of education which they supported in the College of Maynooth? If he were told that further inquiry into the effects of the system taught at Maynooth was required, he answered—Look to Ireland—see what had been going on during the recent elections in that country—mark how the priests had conducted themselves at all the hustings, and how they had boldly carried out the principles in which they were educated; and look to the subsequent declaration of the candidates on the hustings—and he was now speaking in the presence of Members who had sworn not to disturb the constitution in Church and State—did they not one and all declare that they would never be satisfied until they had equality in religion—that they would never rest satisfied while the incubus of the Protestant Church, and the property of the Church itself, existed in Ireland? He was speaking in the presence of hon. Members who had sworn to maintain the constitution in Church and State, and who now declare they will not place their confidence in any Government, unless, forgetful of the oaths they had taken—forgetful of the allegiance they owe their Sovereign, and forgetful of the high duty which they owe to Almighty God—they consent to adopt such measures as were utterly subversive of their most solemn duties both to their Church and the Crown of these realms. He had no hesitation in saying that he would be able to prove what he said. He would just lay before the House certain statements. He did not think hon. Members had a knowledge of many of the facts connected with the proceedings at the hustings during the last elections in Ireland. He would begin with the election for the county of Dublin. In the *Evening Mail* of the 16th of July last the following statement was made:—

"In the chapel of Lusk, the priest, addressing the people at mass, called every voter that was at the time in the chapel by name to the altar, and warned them of the strictly religious character of the struggle that was going on, in the face of the whole congregation. He cautioned them against voting under any influence or any circumstance against the Catholic candidate, and said he would be by no means surprised if those who despised his advice and the interests of their Church had their houses burned over their heads."

He (Mr. Spooner) had made every inquiry into the accuracy of these statements, and he had not heard that they had been denied or complained of by any of the persons affected by them. Had such statements been published in this country affecting Protestant ministers, the Court of Queen's Bench would have been full of applications for criminal informations from the clergymen, denying on oath the truth of them. There was not a single denial of these statements—on the contrary, they had appeared in the journals belonging to both parties, and where they did not exactly agree in the words, still the similarity of expression and idea which ran through them must lead every candid man to the conclusion that they were true. Moreover, not one of the priests to whom they related had come forward to deny them; and therefore he was bound, and the House was bound, to believe that the statements were accurate. The first extract which he had read had reference to what took place at Lusk, in the county of Dublin. Had any clergyman of the Church of England used such expression, would not the whole country have raised a cry of indignation? In reference to the county of Kilkenny election, the *Kilkenny Moderator* stated that the most determined persecution of those who voted against their Church had been carried on by the Roman Catholic clergy. It then went on to remark, that on the previous Sunday a man named Patrick Ryan, who had split his vote for Butler and Greene, was going to mass, and just as he dropped his money into the box at the chapel door he was collared, marched out by the direction of the priest, and was handed over to the tender mercies of a savage mob, by whom he was beaten and pelted home with stones. In the county Meath the most galling examples of priestly intimidation had been offered. The following specimen of altar denunciation was uttered on Sunday, exhibiting the way bigotry was carried on in Ireland. Now he (Mr. Spooner) was often called a bigot, but it appeared that bigotry was carried on in Ireland in an improved fashion. It was stated in a Dublin newspaper called *Saunders's News Letter*, that the priest from the altar of one of the chapels in Meath, addressing the congregation, said to the party addressed, "In the presence of the Most High—before the living God and the crucifix, will you not vote for Lucas? You, Jerry Martin, who will you vote for now?" Again, in the King's County, *Saunders's News Letter* stated, that the priests were busily engaged disturbing society, agitating the people by their endeavours to return their nominees, and uttering violent harangues, until matters had assumed an aspect that must be regarded with alarm by all who desired the peace of society. It was a crusade against law, and order, and the rights of property, from one end of the country to the other. The most fearful anathemas were threatened on the heads of those who voted against their nominees. On one Sunday such violent language was used at a particular chapel, that the officer in charge of some Roman Catholic soldiers attending mass felt it his duty to order the men to retire from the chapel. Again, in the King's County, it was stated that, at the instigation of the Roman Catholic clergy, those who voted for the candidate opposed to their own nominee were hooted at and driven from their place of worship, and the priests publicly made it known that they would withhold the rites of their Church from those who voted for Captain Bernard. In the Queen's County the same thing took place. The Rev. James Maher, at the Carlow election, said the view into the other world of those electors who voted for Browne was one far from consolatory. But he advised the people to let them go and vote for him, and be damned. Nor was this an exceptional example in that country of the lengths to which men in the position of the Rev. Mr. Maher went on that occasion. More than one clergyman of the Roman Catholic Church in the Queen's County threatened the refusal of the rites of the Church to such of their flocks as voted against their wishes. One of them designated a Mr. —— a "black sheep," and then said, "I don't mean to call down the judgment of God upon him; but if he should fall from his horse and break his neck, or if his house or haggard should accidentally take fire, I should not at all wonder." Here was an expression for a priest to use in respect to a man who merely exercised his franchise. He (Mr. Spooner) would next refer to the *Waterford Mail*. This paper, quoting from the *Carlow Sentinel*, gave the exhortation of a priest in that county from the altar, at the period in question. [It was to the effect that every man who did not side with the Church by voting for the popular candidate should be a marked man, and that he should be shunned by all as a person infected—that the people should compel their friends and neighbours to vote, if they even dragged them out of their houses—for that the election was a battle between God and the Devil, and that if they did not win, the nunneries would be broken into, the saints of God ill-treated, and their chapels broken down.] But this was not all. The *Carlow Sentinel* made a public statement of the persecution to which persons, differing in political opinion from the priests, were exposed. [This statement was, in substance, that two most respectable Roman Catholic policemen, named O'Dea and Mare, who had gone to the chapel at Donegal to hear mass, were received by the crowd with hooting and groaning—that they were prevented from entering the chapel—that they were violently assaulted, and that one of them (O'Dea) was severely injured by a blow of a stone on the head. This arose solely from the activity of these constables in preserving the peace at the election, and protecting the voters who were assailed. The same day, at another chapel, a tenant of Colonel Bruen was assaulted with stones, and had to be escorted to the barracks by the police for safety.] The Galway correspondence of the *Western Star* furnished a still further proof of the prevalence of the system of persecution on the part of the priests against the voters who supported the candidates to whom they were opposed. [This correspondence, which was also read at length by the hon. Gentleman, was to the effect that the Right Rev. Dr. M'Hale had declared no Roman Catholic could vote for Lord Derby's Government, except under these circumstances, namely, except he wished Mr. Lacy to empower some fashionable Adonis to invade the sanctity and seclusion of the nunneries—except he wished to have the chapels of their religion wrecked—except he wished to see their priests in prison—except he wished to see the God of heaven, under the form of bread and wine, exposed to blasphemous and sacrilegious outrage, as happened on a late occasion—except he wished to see every procession permitted, save that of *Corpus Christi*, in which the God of heaven was adored — except he wished the God of heaven should hide his face — except he wished not to see their houses of worship preserved to the people —except he wished to see the bishops and priests undergo heavy penalties for violating an unrighteous law—unless they wished these things, Roman Catholics could not support Lord Derby's Government.] On these extracts he (Mr. Spooner) grounded his argument against Maynooth; and he maintained that they afforded in themselves plain and unanswerable proofs that the endowment of that establishment had not answered in any respect whatsoever the purposes for which it was intended. The country and Parliament were then told how desirable it was that the priests, who were entrusted with the teaching of so many millions of their fellow-subjects, should be educated at home in habits of loyalty to the Crown, and of intercourse with their Protestant fellow-subjects, and how advantageous it would be to the State that they should not receive a foreign education, which would necessarily alienate them from their allegiance, but a domestic education, which would make them loyal subjects and good citizens, and that when that was the case they would no longer be exposed to that system of bigotry which had been so long complained of by almost every Government that had attempted to rule Ireland. He asked, was that part of the case carried out in this instance? On the contrary, he argued, that as far as any expectation of good from Maynooth, of that nature, was in question, that expectation was a decided failure. He did not mean to quarrel with the views of those who had established Maynooth; he believed they were sincere, but he also believed they acted in ignorance — at all events, what he insisted on was, that they had been most grievously disappointed in their views. If this was the fact—and he defied any other inference—then he submitted that a clear case was made out as against Maynooth; and, therefore, that Parliament was bound to withdraw from that establishment the support and countenance it had hitherto received from the country. But it was urged by some there was a compact, and that this compact should not be broken. Was that the fact? Did any such compact exist as between the Government of the day and the College of Maynooth on its first foundation? Let them look back to the history of that college. When Maynooth was first mooted, it was on a most respectful and most humble representation of the Roman Catholic bishops in Ireland to the Irish Government. They did not ask for money—they spoke not a word of endowment; all they desired was that they should be allowed by law to educate the children of their own faith, intended for the priesthood, at their own expense, in their own country, at their own college. The request seemed very plausible and reasonable; it was made with promises large, liberal, and abundant; and if it had stopped there no one would have a right to find fault with compliance. There was, however, it would be seen, no endowment then; therefore, no compact. But this would be perceived quite clearly from the Right Rev. Dr. Troy's memorial, presented to the Earl of Westmoreland, then Viceroy of Ireland, on the 17th of January, 1794, four years before the rebellion. That document ran thus:—

> "Memorial of Roman Catholic Prelates, Ireland, to the Lord Lieutenant of Ireland, January, 1794.
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> "Under the laws which formerly existed, your memorialists were obliged to resort to foreign countries for education, particularly to the kingdom of France, where they had secured many valuable establishments. Four hundred persons were constantly maintained and educated therein for the Ministry of the Roman Catholic religion in Ireland.
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> "In the anarchy which at present afflicts that kingdom these establishments have been necessarily destroyed.
>
> "Your memorialists, therefore, are apprehensive that it may be found difficult to supply the Ministry of the Roman Catholic Church in Ireland with proper clergymen, unless seminaries, &c., be instituted for educating the youth destined to receive holy orders according to the discipline of their own Church, and under ecclesiastical superiors of their own communion.
>
> "And they beg leave further to represent (with all due respect and deference to your Excellency's wisdom), that the said institution would prove of advantage to the nation at large, and be a matter of great indulgence to Her Majesty's subjects professing the Roman Catholic religion."

There was no compact here—no title to a claim of any kind upon the forbearance of Parliament; it was asked as a matter of indulgence, and was granted as such; and yet it was now urged that inasmuch as a compact existed, it was not competent for Parliament to interfere in the matter with any semblance of justice. The memorial then went on to say, that though the mode of education in the University of Dublin might be good in itself, it was inapplicable to the instruction of ecclesiastics intended for the Roman Catholic Church in the ritual of their religion; and it finished by stating, that being advised that His Majesty's consent was necessary to the establishment of such seminary, they prayed, therefore, his Excellency to grant the Royal licence for it, under due ecclesiastical superintendence. It appeared that Mr. Pitt and the Government of the day received this application favourably, and were induced to grant the prayer of the memorial, which act of grace was received with the most grateful acknowledgments on the part of the memorialists, and reiterated promises of obedience, duty, perfect content, and, above all, of non-interference with the Church as by law established in Ireland. But things were altered now—he was speaking in the presence of hon. Members in that House who were pledged not to support any Government until equality in religion was established; and among these was the hon. Member on the left (Mr. Lucas). He (Mr. Spooner) would next come to the Report of the Commission of 1826 and 1827, appointed to inquire into Maynooth; and, with the permission of the House, he would read a passage or two from that document (pp. 44. 46). The Irish Roman Catholic Prelates, the founders of Maynooth, having informed the Court of Rome that the British Government had given a licence to found that college, the following reply was sent from the Cardinal Prefect of the Propaganda at Rome, July, 1794:—

> "As the affection of the Sacred Congregation towards the ancient Church of Ireland was always firm and constant, so that whatever afflictions befel it our sympathy was great—drawn from our very heart—so now, in more happy times, as the partners of your joys, the Sacred Congregation rejoices not less for itself than for you, congratulating you upon the good news which was lately signified to us by your letters, namely, upon the excellent and munificent liberality of your most potent and gracious King and his august Senate, in granting you the licence and faculty for erecting and instituting a suitable seminary, in order to prepare young men for the Ministry.
>
> "Concerning this happy and prosperous event, whilst we are found in the first instance to render thanks to the great and good Dispenser of all benefits, yet at the same time it may be most anxiously expected of you (and which we doubt not you will be sedulous to perform), that, in the acceptance of this so great a benefit, you will prove yourselves worthy of the favour of all that dutifulness of the mind which is suitable to the occasion.
>
> "For, whilst it would be wrong to be wanting in this duty, even towards those who have afflicted us, how much more is it due from us towards those by whose goodness we are thus relieved, that we may lead a quiet and peaceable life in all piety. Taking good heed that the youth learn to be sober, prudent, chaste, modest —not covetous, not given to wine, not disposed to wrangle and quarrel (*non litigiosi*)—giving no offence to any one—preserving the unity of the spirit in the bond of peace.
>
> "And also you shall often and earnestly admonish them to be subject to princes and the higher powers, that their rulers may never repent of having conferred on Catholics such costly favours, but, on the contrary, may from time to time applaud themselves for having bestowed such benefits upon Catholics.
>
> "And so much the more it becomes them, that they have implanted in them that homage of inviolable fidelity towards the higher powers, so congenial to the Catholic profession, and which is divinely prescribed by apostolic demand, and which ye well know has been so sacredly and anxiously commended to his children in every part of the world by the Sacred College."

The parties thus addressed (the trustees), being the Roman Catholic prelates, replied—

> "It shall be in our heart, by every suitable indication of the mind, to prove ourselves worthy of the distinguished favours received from the munificence and liberality of our Most Serene King and his august senate, and also for so prosperous an event to render immortal thanks to the great and good Author of all benefits."

But while promising these things, and while professing to instil those principles into the minds of the pupils, and to hold inviolate the Established Church — while they were expressing their gratification and pleasure at what had been done — would the House believe that in the very same document the College of the Propaganda called on the prelates of the Roman Catholic Church in Ireland, the founders of Maynooth, to teach, above all other doctrines in that seminary, the doctrines of St. Thomas Aquinas. It only showed how careless men in power were at the period, or how little they suspected those with whom they had to deal in the matter; for he (Mr. Spooner) could not for a moment doubt that a knowledge on their parts, however slight, of what these doctrines were, would have placed them on their guard, and interfered with the foundation of Maynooth—at least to the extent of preventing these doctrines being taught in that establishment. What said that most learned and most celebrated of the Roman Catholic casuists—that Angelical Doctor, whose works were of such high authority on points of faith and doctrine in the Roman Catholic Church? In the works of Thomas Aquinas (*Secundæ Secundæ*, Quest. xii., Art. 2), the discussion is raised—

> "Whether a Sovereign, on account of apostacy from the faith, loses dominion over his subjects, so that they are not bound to obey him?"

(Strictly a case for the Roman Catholic subjects of the Queen.) To this he replies by citing negative reasons, which he supposes to be advanced, as—first, that Julian the Apostate had Christian soldiers in his army; secondly, that Joseph, Daniel, and Nehemiah served heathen princes; thirdly, that all sins, as well as apostacy, are departures from God, and no ruler is free from sin; and then he adds:—

> "But opposed to all these (negations of the proposition) is that which Pope Gregory VII. (Hildebrand) says:—
>
> "'We, holding the statutes of our sacred predecessors, absolve, by apostolical authority, those subjects (Popish) who are bound to excommunicated persons by fealty or by the sacrament of an oath. We absolve them from the sacrament of their oath, and by all means we prohibit them to observe faith towards them till they (the apostate sovereigns) make satisfaction.'"

And Thomas Aquinas continues:—

> "But apostates from the faith are excommunicated, as also heretics, as the decretal says elsewhere concerning heretics (*ad abolendam*, &c.) Therefore, obedience is not to be rendered to sovereigns who are apostate from the faith."

Having thus suffered the disputants to argue *pro* and *con*, he delivers his own decision as moderator of the discussion:—

> "I answer by saying that, as is above stated, infidelity of itself is not repugnant to dominion, and that because dominion is established by the laws of nations, which laws are human laws. But according to the Divine law, there is this distinction between fidelity and infidelity, which does not take away or abolish human law. But yet any sovereign sinning by reason of infidelity may, sententially, lose the right of dominion, as well as on account of any other fault. To the Church, however, it does not appertain to punish infidelity in those who never received the faith according to what the Apostle says, 'What have I to do to judge them who are without?' (outside). But the infidelity of those who have received the faith (which is done by baptism itself) may be sententially (or after sentence pronounced) punished, and most properly may such sovereigns be thus punished."

He (Mr. Spooner) next came to the Papal bull called *In Cœna Domini*, on account of its being issued by the reigning Pontiff on the festival of the Church to commemorate the Lord's Supper, and sometimes called the Bull *Pastoralis*, from the first word of the document, which is considered to be in perpetual and peculiar force, being promulgated yearly, on Thursday in Passion week, at Rome, with great solemnity, and it may be also in Ireland and in England. It annually absolved Her Majesty's subjects from their allegiance. That this bull is deemed to be universally binding and in force is strongly urged by Reiffenstuel, a great standard of Maynooth on canon law, who states (p. 554, lib. v., tit. xxxix., sec. iv., No. 130), that the excommunications of this bull have a special importance—that any absolution from them is reserved to the Pope himself, both as to the regulars and all others—and that no one else can absolve from the anathema and universal sentence, save *in articulo mortis;* and he twice states that no plea in any country, as to its not having been received, can at all avail, and he severely censures all who have delayed to put it in force; so that the pleas of Dr. Slevin and others, before the Commissioners of 1826–7, that it was "not received," "not published," "not in force," &c.; and Dr. Doyle's statement, on his oath, before the Lords' Committee—"We have never received it, and surely never will," was in direct contradiction to their highest compiler and expounder of the canon law. In another place he calls it *justissima et sanctissima.* This bull excommunicates every Protestant in the world — anathematises him and all his friends and helpers — their state, grade, condition — their universities, colleges, books, and their printers, and more especially those who place themselves in hostility to the cardinals and the prelates of the Church of Rome. But it has been proved before the University of Dublin that this bull is received. Next, a canon of Pope Urban II. (canon 23) says:—" We do not consider those as homicides who, burning with zeal for the Catholic Church against excommunicated persons, happen to have killed any of them." This should bring to the recollection of the House the declaration of Dr. Wiseman when he came into this country, that his main object was the re-establishment of the canon law. But who are those excommunicated persons? Who are those heretics? The Roman Catholic Church, as was shown in the evidence of the Maynooth professor, Dr. Slevin (p. 219), claimed all persons whomsoever, if once baptized Christians, in whatever denomination of Christianity they might be baptized, as members of the Catholic, that is, the Roman Catholic Church, and all such persons who, having been so baptized, thereafter did not continue of the Roman Catholic Church, were, by the Roman Catholics, regarded as heretics. Her Most Gracious Majesty came, of course, within this category; and, accordingly, from allegiance to Her Majesty, as being so heretic and excommunicate, all Her Majesty's subjects were annually absolved by this bull *in Cœna.* Even but for this reason alone he (Mr. Spooner) contended that the College of Maynooth, inculcating those doctrines, having these works as their classics, ought no longer to be permitted. It was a sufficiently great and crying sin with us that it had so long already been suffered to continue. Many persons were hardly aware of the law of the Roman Catholic Church as regarded heretics. The most learned and most pious Thomas further, in his *Secundæ Secundæ*, Quest. xi., Art. 3, discusses, in the usual method of the schools, the question, " Are heretics to be tolerated?" On this he says very coolly—

> " About heretics two things are to be considered; one on their part, and one on the part of the Church. On their parts is the sin (heresy), by which they not only deserve to be separated from the Church by excommunication, but also to be excluded from the world by death."

Let the House bear in mind what the Maynooth professor of ethics, Dr. M'Nally, who was examined by the Commissioners of 1826–27 says, page 144, Appendix of the Report, " In explaining parts of the course of my lectures I have occasion to direct the student's attention to a variety of books, principally the following —St. Thomas Aquinas, of whose *Secundæ Secundæ* I have often spoken in terms of the highest commendation, being in my opinion one of the best treatises on ethics." Thomas Aquinas proceeds:—

> " On the part of the Church there is pity for the conversion of such as are in error, and therefore she does not immediately condemn. But at last, if he is found pertinacious, the Church, no longer having hope of his conversion, provides for the safety of others, in cutting him off by a sentence of excommunication, and finally relinquishes him to the secular magistrate to be exterminated from this world by death."

He (Mr. Spooner) next came to another shining light and supereminent authority among the Roman Catholics, Cardinal Bellarmine. His work, *De Verbo Dei*, is a standard at Maynooth—his other works, though not on the list, may be supposed as approved. He is no worse than Aquinas on this point of heretics. Bellarmine discusses in his work about the laity this proposition — " That heretics can be condemned by the Church to temporal punishments, and even can be punished with death." This he attempts to prove—first, by Scripture; second, by the laws of Emperors; third, by the laws of the Church; fourth, by testimony of the Fathers; fifth, by reason. Leaving at present the other proofs, we will select that " by reason." On this he says—

> " First, heretics may be justly excommunicated, as all acknowledge; and, therefore, may be put to death. The consequent is proved, because excommunication is a much greater punishment than death. Secondly, experience teaches us there is no other remedy, for the Church has advanced by degrees, and has tried every remedy. If you threaten them with pecuniary fines, they neither fear God nor regard man, well knowing that fools will not be wanting to believe them by whom they will be supported. If you throw them into prison or send them into exile, they corrupt their neighbours by their language, and those who are at a distance by their books; therefore the only remedy is to send them speedily to their proper place.
>
> " Fifthly. There are three causes which teach us that such men should be put to death.
>
> " The first is, that the bad may not injure the good. . . . . The third is, because it is

often useful to the condemned themselves to be put to death [how considerate!], since, indeed, they always become worse, and it is not possible they will ever return to a sound mind.

"Now, all these reasons," concludes the Cardinal, "convince us that heretics are to be put to death; for, first, they injure those they come in contact with; in the next place, their punishment benefits a good number . . . —and we daily see this effect in those places where the Inquisition flourishes; finally, it is an act of kindness to obstinate heretics, for the longer they live the more errors they invent, the more men do they pervert, and the greater damnation they acquire to themselves."

Referring to one plea suggested by the parable of the tares, "Let both grow together till harvest," he proceeds:—

"When, therefore, the Lord prohibits us to extirpate all the bad, he does not prohibit that this or that man should be slain; for that could not be done without great loss to the good. If, indeed, it can be done, they ought, indeed, undoubtedly, to be extirpated; but if they cannot, either because they are not sufficiently known, or that the innocent should suffer for the guilty, or if they are stronger than we are, and there is danger if we attack them in war that more of us would fall than of them, then we are to keep quiet."

Such was the spirit and morality of the class-books of that college, for which England, for which the British Empire—paid. Earnestly, however, did he trust, fervently did he pray, that the Legislature would no longer continue in this course. He had no hesitation in saying that such teaching as this was altogether destructive of sound morality, destructive of the principles of allegiance to the Throne, destructive of all true religion, and that it was a great national sin and a desertion of that Protestant character, the benefits of which we had been permitted to enjoy for so many years, when the rest of the world was convulsed with anarchy, to be a party to its encouragement. They might rest assured that as soon as Great Britain abandoned her faith, that moment she abandoned the highest privilege she possessed, and gave up all ground for expecting the continuance of the Divine blessing. He knew he should be termed bigot and enthusiast; but he could not help that. He should not thereby be deterred from performing what he conceived to be his duty to his God and his country. England owed much to her having been permitted to maintain her Protestant character; on the maintenance of that character depended the continuance of her right to hope in the blessings and providence of God, and he solemnly and religiously believed that it would be the greatest misfortune that could possibly befall her, when as a nation she ceased to enjoy those privileges.

But he might be told that the works from which he had read extracts were old school-books, which were not in use in the present day—that they were not the ordinary practice books of Maynooth; and Archbishop Cullen, who had done him the honour to notice him, said they were beyond his (Mr. Spooner's) depth—that Protestants must not imagine they understood the real meaning of these things, or that their reading of them was that of the Roman Catholics; and he had endeavoured to show that the plain English meaning was not their true meaning. It was not, however, the school-books alone that taught these doctrines; for he held in his hand a Roman Catholic review, called the *Rambler*, as great an authority with hon. Gentlemen on his left (the Roman Catholic Members) as either the *Quarterly Review* to Conservatives, or the *Edinburgh Review* to Whigs. What said the author of this work? Let hon. Gentlemen who had hitherto acted upon the principle of conciliation attend to it:—

"It is difficult to say in which of the two popular expressions—'the rights of civil liberty,' or 'the rights of religious liberty,'—is embodied the greatest amount of nonsense and falsehood.

"How could Lord John Russell with any decency persecute the Catholics, unless he protested that he did it in this sacred name? [Liberty of Conscience.] And how could he, and the rest of the wealthy men who sit on the Treasury and Opposition benches, continue to make laws for the special benefit of the rich and titled, except by solemnly asserting that it was all done for the furtherance of 'the blessings of civil liberty, which are the inalienable birthright of every Briton?'

"Let this pass, then, in the case of Protestants and politicians. But how can it be justified in the case of Catholics, who are the children of a Church which has ever avowed the deepest hostility to the principle of 'religious liberty,' and which never has given the shadow of a sanction to the theory, that 'civil liberty,' as such, is necessarily a blessing at all? How intolerable it is to see this miserable device for deceiving the Protestant world still so widely popular amongst us! We say, 'for deceiving the Protestant world;' though we are far enough from implying that there is not many a Catholic who really imagines himself to be a votary of 'religious liberty,' and is confident that if the tables were turned, and the Catholics were uppermost in the land, he would in all circumstances grant others the same unlimited toleration he now demands for himself. Still, let our Catholic tolerationist be ever so sincere, he is only sincere because he does not take the trouble to look very closely into his own convictions. His great object is to silence Protestants, or to persuade them to let him alone; and as he certainly feels no personal malice against them, and laughs at their creed quite as cordially as he hates it, he persuades himself that he is telling the exact truth when he professes to be an advocate of religious liberty, and declares that 'no man ought to be coerced on account of his conscientious convictions.' The practical result is, that now and then, but very seldom, Protestants are blinded, and are ready to clasp their unexpected ally in a fraternal embrace.

"They are deceived, we repeat, nevertheless. Believe us not, Protestants of England and Ireland, for an instant, when you see us pouring forth our liberalisms. When you hear a Catholic orator at some public assemblage declaring solemnly that 'this is the most humiliating day in his life, when he is called upon to defend once more the glorious principle of religious freedom'—(especially if he says anything about the Emancipation Act and the 'toleration' it conceded to Catholics)—be not too simple in your credulity. These are brave words, but they mean nothing; no, nothing more than the promises of a Parliamentary candidate to his constituents on the hustings. He is not talking Catholicism, but nonsense and Protestantism; and he will no more act on these notions in different circumstances, than you now act on them yourselves in your treatment of him. You ask, if he were lord in the land, and you were in a minority, if not in numbers yet in power, what would he do to you? That, we say, would entirely depend upon circumstances. If it would benefit the cause of Catholicism, he would tolerate you; if expedient, he would imprison you, banish you, fine you; possibly, he might even hang you. But be assured of one thing: he would never tolerate you for the sake of the 'glorious principles of civil and religious liberty.' If he tolerated you—and most likely, as a matter of fact, he would tolerate you—it would be solely out of regard to the interests of the Catholic Church, which he would think to be best served by letting you alone."

Here, then, was what he found in this Roman Catholic magazine, and he hesitated not to say, that it answered well to the character of the hon. Member (Mr. Lucas) who vindicated the conduct of the Grand Duke of Tuscany on a former evening, and arraigned the Protestants of England for having lifted their voice in the cause of religious liberty. At the present moment in Tuscany, the Madiai had practical experience of these doctrines; and he (Mr. Spooner) charged Her Majesty's Government, responsible as they were to their country, the Crown, and, above all, to that Great Being to whom all men were responsible, not to trifle with this important matter, but to arrest their steps in that dangerous course which they had too long been pursuing. The interests of the country, of the Church, and of sound religion, all depended upon the policy they adopted in the present juncture. He implored them, therefore, to think of the tremendous responsibility that devolved upon them; to take the warnings of history, no longer submit to be deluded, and to throw a glance back at the deception which had been going on for the last thirty years. Let them remember that Maynooth was founded upon professions of peace, that it soon after became a claimant for money, and that in an evil day and hour that lamented statesman, Sir Robert Peel, yielded the principle to which he had long adhered, gave up the outward bulwark of the Constitution which he had previously felt it his duty to defend, accorded the protection of this nation to the idolatrous system of the Catholic religion, and abandoned all the principles for which our ancestors had bled, in the vain hope that he was dealing with men who would be grateful for the benefits conferred upon them. Sir Robert Peel had yielded, in fact, that which he (Mr. Spooner) then asked the Government to take back. He would warn them that if they continued the present system they would do it at their peril; and they might rely upon it that one day they would be called upon to give an account of their conduct, not only to their country, but also before the bar of the Eternal Judge. The writer of the article in the *Rambler* proceeded to say that if Protestants were tolerated by Roman Catholics, it would be solely out of regard to the interests of the Catholic Church, which they would deem to be best served by such toleration. That was the principle upon which their toleration was founded—the good of the Church—and it guided them in all their proceedings. Where the dignity, the honour, and the interests of the Church were concerned, everybody and everything was required to be sacrificed by the Roman Catholic. This was no trifling or unimportant matter. It was one upon which the country deeply felt. The measure of 1845 was carried against the plainest, most forcible, and undoubted expression of opinion on the part of the nation, which had felt sore upon the subject ever since. It had rankled in the bosom of the public to this day; and he could tell them now, however much they might think that public feeling was asleep, that it still existed in the breasts of millions of their fellow subjects, and that sooner or later it would burst out. The right hon. Baronet the First Lord of the Admiralty (Sir James Graham) would pardon him if he called to his recollection the reasons which had induced him to support the Bill of 1845, and the large hopes he then expressed of the happy results of that measure. On the 21st of May, 1845, the right hon. Gentleman said—

"But, more than this, notwithstanding their

> sacred education and their devotion to sacred subjects, these priests, after all, are men; they partake of the passions and feelings of men; if you treat them unkindly they will and they do resent injury, oppression, and wrong. If you treat them kindly, it is not because they are pious and devout that I can believe that they will be ungrateful; and it is my strong persuasion that if by the liberality of this grant you alter the recollections of Maynooth—if, instead of the priests looking back to the period spent there as to a time of privation, while they were told that the State was making a provision for them, they shall look back to it as to a time of comparative comfort, due to the liberality of the Imperial Parliament—my firm conviction is, that the priests will leave Maynooth with very different feelings towards the Legislature of this country; and whereas on many occasions they are now described as being political enemies, we may then hope in many cases to find them attached political friends."—[3 *Hansard*, lxxx. 703.]

Had that been the case? Had not Ireland, ever since the year 1845, been day by day getting more and more difficult to manage—had it not been the burden and difficulty of every successive Government? Had they found the priests engaged in soothing the passions of the people—in teaching them obedience to the laws—and in impressing upon them the duty of preserving peace and order? On the contrary, it was the fact that the Roman Catholic priests had been frequently the main instigators to the mischief committed by the people; and when we remonstrated with the latter, uneducated men as they were, and seeing what was the nature of the language constantly emanating from the Roman Catholic pulpits in Ireland, could we wonder at it if the people turned round and said, "Why, you sent the priests here to teach us these doctrines; you have no business, therefore to find fault with us." They were, in fact, *justified rebels*—justified by the conduct of the Government. And what were the doctrines in respect to confession? In July, 1825, Dr. Doyle, the late Roman Catholic Bishop of Kildare, giving evidence upon the seal of confession, stated, in answer to questions put to him, that a priest could not take any measures to prevent the execution of a crime the intention to commit which was divulged to him in confession. Being asked, "When crimes, such as murder or treason, are revealed in confession, is the confessor bound to disclose it?" the reply of Dr. Doyle was, that he was bound not to disclose it, if it had been communicated to him under the seal of confession; that a confessor could not reveal a crime which he knew was about to be committed; that he could not warn the object of the crime that he was about to be attacked; that after the crime was committed he could not divulge the name of the murderer, because all communications made to him in confession were inviolate. Could any social government continue if this doctrine were general throughout the country? Let them look to Ireland, where there were murders daily occurring which we could not prevent, and to the verdicts of juries who would not convict. He did not blame the unfortunate jurors, who were taught that oaths might be dispensed with, and that they were bound to speak the truth so far only as was consistent with the advantage of "the Church," for they had learnt from men whom we paid to teach them; and upon us rested all the blame, disgrace, and responsibility. A Roman Catholic priest was once asked to sign some address, and he promised to comply. But afterwards being assured by some brother priest that it would be for the good of the Church not to do so, he broke his promise. His defence was that he had not given a "solemn" promise, but a "serious" one; and in his justification he quoted the authority of St. Thomas Aquinas, who held that a man was not guilty of an untruth in such a case, because when he promised he intended to perform his promise; nor was he unfaithful to that promise, because the circumstances were changed. Thus, circumstances being changed, therefore that which was binding in some circumstances was no longer binding in others. Well, suppose the possibility of the Pope of Rome sending a force for the invasion of this country: the "circumstances are changed," and, according to this doctrine of St. Thomas Aquinas, the oath of allegiance itself might be dispensed with—all obligation to observe it would have ceased to exist, and men would no longer be bound by that which they had solemnly promised to observe. Again, he entreated them to look back to the whole history of this grant. It was first granted to the Roman Catholics when they were weak and poor. They were then suppliants at the door of Parliament. They pleaded only for "toleration;" and they told a plaintive story about their desire to educate their priests. After that, grants were made—but no endowment. There was nothing like an endowment until the year 1845, and not even an annual grant. Sometimes the grant was suspended, sometimes diminished, and sometimes increased; but there was nothing like what would lead them to suppose they were acting under a "compact." It was an annual concession, made most injudiciously; but no such reason as that was alleged for it by the Roman Catholics. If there were a compact, there must have been two parties to it, and when one gave, the other must have yielded something in return. But what did the Roman Catholics yield? The fact was that the concession was made upon promises which had been broken, and upon expectations that had not, and never would be, realised. Away, then, said he, with all idea about a "compact." There was none whatever in the case. If, however, the House would permit him to go into Committee, he would admit the existence of a compact so far as any case of personal grievance was concerned; such, for instance, as a professor at Maynooth who had resigned an income for the purpose of taking a professorship there, or other party who had a life interest, but nothing more. When the money was first granted, the Roman Catholics were poor, and it was represented that parents had not the means of providing for the education of their children. But could such a plea as that be put forward now? Where was the money found for building the Roman Catholic chapels which were springing up in various parts of the country? And then, as to the Queen's College, was not that institution positively laughed at by the Roman Catholics? Was that an indication of poverty? Wherever one went, in all the suburbs of our towns, in all our rural retreats, our picturesque lanes, in every direction, Roman Catholic convents or cathedrals were springing up. At this moment England was full of Romanist agents—full of men who were undermining the institutions of the country in the most Jesuitical manner possible. Acting upon the directions of Father Ignatius (late the Rev. Mr. Spencer), they were invading our very homes, and thrusting themselves into Protestant families—deeming no occupation too humble so that they might be considered true and faithful members of the Church by forwarding the interests of their blighting religion. He knew he should be told that in this House they had no business with such discussions. He confessed he hated them as much as any man; and it was with great reluctance he felt constrained to introduce them. He did not hesitate to say, however, that by supporting Popery we were supporting idolatry—supporting those who deprived the people of the Word of God, and in its stead presenting the miserable delusion of the Romish Church, whose priests pretended to absolve from sins, administered extreme unction, and under the promise of diminishing the pains of purgatory got possession of the effects of men on their death-beds, and all this under the garb of religion. Unless the Parliament and people of England had the courage to stop them, these men would go on until, from being originally suppliants, they would become masters; then it would be seen and felt, that whilst seeking toleration, and preaching civil and religious liberty, their sole object had been to exercise the most galling political and ecclesiastical tyranny. He called upon the Government and the House of Commons, therefore, to come forward and rescue the country from its impending danger, to stand fast by their Protestant principles, to throw themselves on the Protestant feelings of the people, and they might rest assured that they would be able to set at naught all opposition from whatever quarter it might come. They might depend upon it the people of England would not tamely submit to be placed under the Roman yoke. As good and loyal subjects, they had yielded much to our statesmen, but to Rome and the Popery of Rome they would never bow the neck. In the present crisis they appealed to the Protestant Government of this Protestant country—the Protestant Ministers of a Protestant Sovereign—to adhere firmly to those principles by the maintenance of which the Throne had been kept in safety and security, and our blessed constitution in Church and State had been established and perfected. Let them fear God and do their duty. He would now propose the Motion of which he had given notice.

Mr. JAMES MACGREGOR would ask leave of the House to be permitted to state on what ground he seconded the Motion. He was an independent Member, bound to no party, determined to speak his mind, and tender his vote on all questions which, in his humble judgment, tended to the good of the country. With these views, he presumed to offer to the House his perfect conviction of the necessity of an inquiry into the statements which had been advanced by the hon. Member for North Warwickshire. He believed there was a large and an influential body in the country, belonging to the middle class like himself, who took a deep interest in the question, and who were exceedingly dissatisfied with the state of things which existed at the College of Maynooth. If therefore they were wrong in the apprehensions they entertained, and if the hon. Gentleman was wrong in what he had advanced, the proper way to disabuse them of their error was, for the supporters of Maynooth to meet the case by inquiry, and to refute the charges by evidence —[" Oh, oh!"]—but surely if hon. Gentlemen on his left (the Roman Catholic Members) shrank from inquiry, the House and the public would consider there was something behind the scenes which they did not desire should come to light. If a Select Committee was appointed, evidence would be obtained to show whether the House would be justified in adopting the course recommended to it. [" No!"] The hon. Gentleman, he understood, wished to put the Question before a Select Committee. [An Hon. MEMBER: There is no Committee proposed.] Well, then, whether the House determined to resolve itself into a Committee of the whole House, in order to meet the hon. Gentleman's Motion, or to have a fairly-selected Committee, the same end would be kept in view, that of determining by inquiry whether his hon. Friend's statements were or were not founded in truth. He was not afraid of the charge of bigotry on account of the course he now took. He was the friend of the principles of civil and religious liberty to all, and his vote should always be in favour of those principles. But he felt at the same time that such statements as had been laid before the House ought to be rebutted and shown to be false; and this could only be done through a Committee of Inquiry, before whom evidence was given. If the College of Maynooth was really that valuable place of education for the Irish Roman Catholic subjects of Her Majesty as its friends insisted upon, then there could be nothing in that establishment which those friends would not desire to see ventilated and made thoroughly public. But if, on the other hand, it was shown by inquiry that the tenets inculcated at Maynooth were not in accordance with the good government of the realm—if it was opposed to the rights of our Protestant Sovereign, and to a constitution founded on Protestant principles—it was due to the Crown, to the constitution, and to the country, that an inquiry should take place. He thought no one could fairly shrink from inquiry on those grounds, whether that inquiry were made by a Committee of the whole House, or by a selected Committee. He must, however, avow he had a strong conviction there was but too much truth in the statements which had been laid before the House that night by the hon. Member for North Warwickshire. He would state this conviction without fear, and at the same time declare he should be glad to learn that he was mistaken in that conviction, and that no doctrines were taught at Maynooth but those which were consonant with civil and religious liberty, and with the free enjoyment of the rights of conscience. He had heard that much bribery prevailed at the recent elections in Ireland; but what bribery was so terrible as priestly denunciations and threats from the altar, which not only affected the voter here, but were also believed to affect him hereafter? There was no bribery so fearful, so terrible as that. If a Committee of the whole House were a proper course, then he trusted Her Majesty's Government would join in supporting the Motion. The noble Lord the Member for Tiverton (Viscount Palmerston) had enunciated to the House the other evening, in language that could not be surpassed, principles which could not be too much admired. He told the House what were the principles which had guided his public conduct in the conflict in Switzerland, and in the affairs of the little island in the South Sea. The same principles, he hoped, would induce the House to take up the present question, in order to ascertain whether the statements made by the hon. Member for North Warwickshire were right or wrong; and, if right, to take measures to correct the wrong, by withdrawing a grant which in that case it would be disgraceful to a country to continue, where free principles and freedom of conscience were recognised. He begged leave to second the Motion.

Motion made, and Question proposed—

"That this House do resolve itself into a Committee, to consider the Act 8 & 9 *Vict.* c. 25, being 'An Act to amend two Acts passed in Ireland for the better education of persons professing the Roman Catholic religion, and for the better government of the College established at Maynooth for the education of such persons, and also an Act passed in the Parliament of the United Kingdom for amending the said two Acts,' commonly called the last Maynooth Act, with a view to the repeal of those Clauses of the said Act which provide Money Grants in any way to the said College."

MR. SCHOLEFIELD then rose to move the following Amendment:—

"To leave out all the words after the word 'consider,' and to substitute the following words: 'All enactments now in force whereby the revenue of the State is charged in aid of any ecclesiastical or religious purposes whatsoever, with a view to the repeal of such enactments.'"

In moving this Amendment he congratulated himself that its terms did not call upon him to enter into the controversial topics which had formed almost exclusively the staple of the speech of the hon. Member for North Warwickshire on that occasion, as they had done on several former occasions. He willingly left those matters to be dealt with by those whose peculiar tastes led them in that direction, or by those who, from their connexion with the particular religion attacked, might deem it to be their duty to answer the statements that had been brought forward. But, whether those statements were true or not—whether the Roman Catholic religion were all that the hon. Gentleman had called it or not—he maintained that the proposition embodied in his Amendment would be found equally true in either case, and equally entitled to the support of all who professed the principle of religious equality. And when he used the words "religious equality," he did not mean that equality which implied religious freedom in this country, and persecution in other countries. If there were any such claimants of religious equality present—and he confessed that, having listened to the debate the other evening, he did not think there were any professed advocates of such equality in the House—but if there were any such, either in or out of the House, he begged to say, that he had no manner of sympathy with them, and no common opinions with them on the subject. But while he, in common with his hon. Friend (Mr. Spooner), desired to get rid of the Maynooth endowment, there were some points on which he did not agree with him. He did not by any means share in the unfounded fears which seemed to pervade the mind of his hon. Friend, as they did those of others, as to the danger of our Protestant institutions. He called upon his hon. Friend to discard those fears, and to have greater confidence in our Protestant institutions, which he believed would never be so secure as they would be when they abandoned the aid of the State, and relied entirely upon their own inherent strength and purity. He begged to say, also, that while he was as anxious as his hon. Friend could be to see the Maynooth endowment withdrawn, feeling, with him, that the result of it was the promotion of error, yet he could not help remembering that what was error to him was truth to others; and herein lay the great difference between his hon. Friend and himself. His hon. Friend was always thinking of one set of consciences, namely, Protestant consciences. He never seemed to think that Acts of Parliament giving endowments and grants to Protestants did quite as much violence to the consciences of Roman Catholics as this Roman Catholic endowment did to his own. He had yet to learn that the consciences of Roman Catholics did not deserve and demand as tender treatment at the hands of the House as the conscience of his hon. Friend himself. He (Mr. Scholefield) claimed religious freedom for himself; but, while he did so, he confessed he was quite as willing to give as to take. But his hon. Friend would probably say that he had no intention whatever of interfering with the full right of the Roman Catholics to carry on their worship in any way they pleased—that the law at present did not interfere with them—and that he did not propose to alter the law. He would not stop to dispute the matter with his hon. Friend, although he might point out to him that several statutes still existed which imposed upon the Roman Catholics disabilities of a somewhat onerous character. He would assume, however, that his hon. Friend was correct, but he would remind him that the absence of penal statutes did not alone constitute religious liberty; for it appeared to him the principle of religious liberty was violated, though in a lesser degree, by the denial of equal privileges, as well as by direct acts of persecution. If the State encouraged one particular sect by endowments, it might be said, *pro tanto*, to persecute all the other sects from whom they withheld similar encouragement; for, until all sects were placed upon one and the same footing, complete effect would not be given to the great principle of religious liberty. It was upon that principle that the Amendment of which he had given notice was founded. The Maynooth endowment existed under the authority of a special Act of Parliament; but that was not the only endowment of a religious character which so existed. There were a large number of endowments of a similar kind; and this explained why, in speaking of endowments, he did not allude, either in his Amendment or in his present observations, to the *Regium Donum*. That grant did not come under the terms of his Amendment, for it was not founded upon any Act of Parliament, but upon an annual grant of that House, and was subject to yearly revision; and he sincerely hoped the day was not distant when it would be removed from the Estimates either by the Government itself or by the House. There were, however, a number of Acts of Parliament which were in the same position as the Act for the endowment of Maynooth. He held in his hand a return which was laid before the House last year upon the Motion of an hon. and learned Gentleman, who, he regretted to say, was not now a Member of the House. He meant Mr. Anstey, of whom he begged, in passing, to say that he had done his part in the cause of religious liberty under circumstances of singular difficulty. From that return he found that there were a large number of endowments under Acts of Parliament, three or four of which he would take the liberty of reading to the House. He found, for example, that there was an endowment of 20,300*l.* per annum for the salaries and expenses of the ecclesiastical establishment in the West Indies; another of 3,000*l.* for the expenses of the office of the Commissioners for Building Additional Churches; another of 11,944*l.* for augmenting stipends to the parochial clergy of the Church of Scotland; and another of 5,040*l.* for stipends to Ministers of additional places of worship erected in the Highlands and Islands of Scotland in connection with the Church of Scotland; besides a large number of other items, smaller in amount, but equally vicious in principle. Some of them were charged upon the Woods and Forests, some upon the Consolidated Fund, some upon the Customs, and others upon the Inland Revenue. The object of his Amendment was to sweep all these away at once. He assured his hon. Friend the Member for North Warwickshire that he did not make this proposition with any desire to evade the main question. His hon. Friend knew well that he had not hesitated to face a popular error, when he thought it was an error; and he did not intend to act differently on the present occasion. If his Amendment was lost, as he expected it would be, he should unhesitatingly vote against the Motion of his hon. Friend. He expected his Amendment would be lost, because he remembered that a similar Motion, proposed by the then hon. Members for Finsbury (Mr. Duncombe and Mr. Wakley), in 1845, was supported only by the hon. Member for Ashton (Mr. Hindley), and Mr. S. Crawford. On the present occasion he should be satisfied if he gained nothing else than the advantage of showing the progress of opinion which had taken place on this subject. He had been asked by some of his own constituents, upon whose opinion he often relied, and he had also been asked by some hon. Members in that House, why, if he was anxious to get rid of religious endowments, did he not make a beginning with Maynooth? He begged to say that he had this very strong objection to that course—that he should consider the selection of the present endowment as the first object of attack as an evidence of an unjust and ungenerous policy—a policy which he, for one, was not at all disposed to adopt. If the question of religious endowments must be taken piecemeal, he would prefer attacking the richer and more powerful Churches first; he should not commence by attacking the Church which represented one-third of Her Majesty's subjects, and that one-third the most destitute of the number. His hon. Friend had quoted the language of the right hon. Baronet the First Lord of the Admiralty (Sir J. Graham). He (Mr. Scholefield) would take the liberty of reminding him of the warning words of another right hon. Gentleman—he meant the present Chancellor of the Exchequer (Mr. Gladstone), who, in his speech on the subject last year—a speech, he need hardly say, which was marked by his usual power and eloquence, said—

> "If this endowment be withdrawn, the Parliament which withdraws it must be prepared to enter on the whole subject of the reconstruction of the ecclesiastical arrangements in Ireland."—[3 *Hansard*, cxxi. 568.]

Was his hon. Friend prepared for this reconstruction? Was he prepared to summon around the Church to which his hon. Friend and himself belonged new elements of danger, in addition to the many and complicated elements of difficulty which already existed? He had now placed this subject before the House, and he should leave it to be dealt with by more experienced hands. His object had been to remove the question from the narrow sectarian ground on which his hon. Friend had placed it, and to place it on the broad ground of religious liberty, on which alone it could ever be treated with common justice, or consistently with the safety and good government of the country. The hon. Gentleman concluded by moving his Amendment.

SIR WILLIAM CLAY seconded the Amendment. It was important that the House should clearly understand the character of the Motion of the hon. Member (Mr. Spooner). It should be perfectly understood that this was not a Motion for inquiry, as the hon. Gentleman who moved the Amendment seemed to suppose, but for the abrogation of the grant to Maynooth without inquiry. It was put into the form in which it stood on the paper, namely, that the House should resolve itself into Committee to consider the Act in question, because the rules of the House only permitted certain questions to be discussed in Committee; but a Committee of the whole House had no opportunity of inquiry—they only discussed the general principle, whether the grant should, or should not, be continued. It should also be understood —and he hoped it would be understood by the public as well as by the House —that the present Motion was different to that which the hon. Gentleman had brought forward on the same subject last year. The hon. Gentleman's Motion last year was, that a Select Committee be appointed to inquire into the system of education carried on in the College of Maynooth. He (Sir W. Clay) had listened attentively to the hon. Gentleman's speech to see whether he assigned sufficient reasons for having changed the character of his Motion; but so far from finding any reason for that change, he had heard only statements, which, taking them at their utmost value, only constituted ground for inquiry. The hon. Gentleman had brought forward charges of the most serious kind, supported by what at best was merely *primâ facie* evidence for inquiry, precisely similar, in fact, to the statements by which he had last year supported his Motion for a Committee of Inquiry. If the Motion had been for inquiry, he (Sir W. Clay) should have voted for it; but for the proposition now before the House, he could not vote. It was no light matter which the hon. Gentleman asked the House to do, to repeal an Act of Parliament which had the character of a solemn contract between the Sovereign, the Parliament, and the people of the Kingdom on the one hand, and the Roman Catholic subjects of Her Majesty in Ireland upon the other. He knew of no grant of money, not even the civil list of the Sovereign, that rested on a foundation more solid than did the annual charge on the Consolidated Fund for the maintenance of the College of Maynooth. He was not about to contend that grounds might not be laid for the repeal of that Act, and for the abrogation of that contract; but it was perfectly clear that unless sufficient grounds were stated, it would be a breach of faith on the part of the House to repeal that Act—a breach of faith which he, for one, would not consent to, and which he hoped the House would never consent to. He was disposed to think that an inquiry, such as that which was proposed last year, would not be an unfair course. The Act of 1845 was not preceded by inquiry. The Commission of Inquiry in 1827, though it investigated the course of study at Maynooth, did not inquire into those questions which now so greatly excited public attention with reference to the conduct of that institution. He was bound further to say that he thought that the feeling of the people of England on this head deserved the consideration and attention of the House. Serious charges had been brought, not only by the hon. Member, but by others, as to the course of education at Maynooth. True or false, these charges had been widely disseminated, and as widely believed; and it was desirable that they should be either substantiated or disproved. But the speech of the hon. Gentleman alone was not sufficient ground for the House proceeding to abrogate the Act. The hon. Member had alluded to the conduct of certain Roman Catholic priests, but he had produced no evidence to connect the proceedings of these men with the College of Maynooth. Something more was desiderated than the mere assertion that such men might have been educated at the Maynooth College. Before they could be justified in repudiating that which was intended as a solemn contract between the Government of this country and the Roman Catholic subjects of Her Majesty, they must have clear judicial proof, such as could be adduced before a Committee of that House. For such an inquiry he should have voted, but for the abrogation of the contract without inquiry he could not vote. There could be no doubt that recent occurrences in other countries had had a great effect on the public mind of England with respect to Roman Catholics, and also with regard to the maintenance of Maynooth. He disapproved as much as any man could do of the proceedings in certain Roman Catholic States; and no man could view with more horror than he did the persecutions in Tuscany, and the treatment of the Madiai. But if others had done a grievous wrong, that was no reason why they should be guilty of a breach of faith. He held, therefore, that as respected the College of Maynooth they should be justified, in the first place, in inquiry into the system of education; and if malversation were found, or if it were shown that the objects for which the college was endowed had not been properly and honestly carried out, then he conceived that Parliament would be justified in voting for an alteration of the system, or for its complete abrogation. He doubted, however, whether a belief in the existence of malversation was the main element in the feeling which had been created against the endowment. He believed that the people of this country were deeply attached to Protestant institutions, and that the feeling arose from their disapproval of propagating, by means of the public money, a form of Christianity which they believed to be entirely false. If he were told that there was a conscientious objection to supporting the Roman Catholic religion by means of public grants, he would state at once that to that conscientious objection he could find no argument in reply. He did not believe that any logical defence—any defence on abstract principles—could be given by Protestants for any ecclesiastical endowment whatever. He was himself a member of the Church of England, but he did not wish that the members of that Church should deceive themselves on that head. The corner-stone of their faith was the right of public judgment, and any ecclesiastical endowment was an infringement of that abstract right; for if they took the money of one man to support the religion of another, which he believed to be false, then they took the money of one who, according to their own admission, might be right, to support that doctrine which, on their own admission, might be wrong. There was clearly, therefore, no defence on abstract grounds for an endowment of the Church by the State in any Protestant country. But reasons of public policy might undoubtedly justify such endowment. It might be found that such endowments tended to peace and goodwill, and to create kindly feelings among men who, though differing in religious belief, were united by the bond of a common allegiance. But if these endowments, instead of being the means of maintaining peace and harmony, were found to be the bitterest sources of discord, then it was impossible to deny that the grand reason for maintaining them fell to the ground, and that they should have to adopt the course referred to by the Chancellor of the Exchequer last year, and revise the whole of their ecclesiastical system. He was not quite clear that, as respected Ireland, the time had not arrived for such a revisal. He did not say who were to blame in the first instance; but he must confess that he did not look for peace in Ireland while any portion of the religious instruction of a nation so divided in religion as were the people of that part of the Empire, was paid by the State. At all events, they ought to consider the question fairly. He had endeavoured to put the question on fair grounds; as he had stated, he would be prepared to vote for an inquiry into the mode of education pursued there. If malversation were proved, he would, irrespective of any other ecclesiastical endowment in Ireland, vote for the abrogation of the grant. When the hon. Member for Warwickshire put the question on the ground of the grant being a payment for the propagation of falsehood, he would merely repeat what had been well said by the hon. Member for Birmingham (Mr. Scholefield), that what was false to one man was truth to another. He (Sir W. Clay), therefore, had put the question on the broader ground of ecclesiastical endowments generally. He would go further, and say that in any revision of the ecclesiastical endowments in Ireland, the Established Church in that country must be included, for he believed that all history contained no record of a greater wrong than the maintenance of the Established Church in Ireland. By the terms of the Motion the hon. Member reduced the question to whether Maynooth should receive endowment from the State; and, for his part, he would only consent to a consideration of that question if it was to be in common with every ecclesiastical endowment. The question was one of very great importance, and as it was one in which the large constituency which he represented took the deepest interest, he could not reconcile with his sense of duty to give a silent vote on the occasion. He would second the Amendment, and if that were rejected, he would vote against the Motion of the hon. Member for North Warwickshire.

Amendment proposed—

"To leave out from the word 'consider' to the end of the Question, in order to add the words 'all Enactments now in force, whereby the Revenue of the State is charged in aid of any ecclesiastical or religious purposes whatsoever, with a view to the repeal of such Enactments,'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Colonel GREVILLE said, he should oppose both the Resolution and the Amendment. He thought that if the hon. Gentleman who brought forward this Motion had intended to excite religious animosity between different classes of Her Majesty's subjects, he could not have taken a course better calculated to effect his object. The College of Maynooth was established in 1795, in the reign of George III., and when Mr. Pitt was Prime Minister, by a Protestant Parliament, with the view of educating the clergy of the Roman Catholics of Ireland at home. In 1800, and subsequently, several Acts were passed with reference to the maintenance of the college, and in 1845 the late Sir Robert Peel brought in a Bill which placed the grant for the establishment on a permanent footing. Now, Parliament sanctioned grants for the instruction of Roman Catholics at Malta, Gibraltar, the Mauritius, and Canada; they paid Roman Catholic chaplains for attending the workhouses in Ireland; and he wished, therefore, to know on what ground any objection could be entertained to the grant for the College of Maynooth? It had been said that the grant had not answered its purpose; but if any persons had supposed that this grant would induce the Roman Catholics of Ireland to abandon their convictions, such persons entertained a very erroneous idea. The late Sir Robert Peel, in speaking on this question, had observed that he did not pretend to say that the measure of 1845 would give permanent satisfaction to the Roman Catholics, or that it would induce the Roman Catholics to compromise a single principle. Sir Robert Peel further said, that while he did not guarantee that the grant to Maynooth would be a final and complete measure, he was satisfied that it would be regarded by the Roman Catholics as an honourable and liberal proceeding towards themselves. It was clear, then, that by accepting this grant, the Roman Catholics did not sacrifice a single principle. He (Colonel Greville) must say that he did not think the Motion of the hon. Member for North Warwickshire was calculated to increase the loyalty of the people of Ireland, or to inspire them with confidence in the Legislature of this country, to which they could alone look for a redress of the grievances under which they laboured. The present Chancellor of the Exchequer had said last year, that if they withdrew the grant from Maynooth, the whole question of ecclesiastical endowments in Ireland must be considered; and he (Colonel Greville) could promise the hon. Member for North Warwickshire and his friends that the attack they had made upon the College of Maynooth would not end here. In 1845, the late Sir Robert Peel remarked, that by the measure for establishing the Maynooth Grant on a permanent foundation, he sent a message of peace to Ireland.

Mr. MIALL said, he trusted the House would extend to him the indulgence which was usually accorded to new Members, while he explained the grounds upon which he intended to give his vote upon the question under their notice. He thought that they would all be pretty well agreed that the debate in which they had been engaged had been, up to that moment, anything but a profitable discussion; that the feelings which it tended to excite were not the most genial, and that whatever might be the result, the country would probably not be proud of their proceedings that evening. Such would naturally be the consequence of the interference of that House in matters of a religious character. And whatever might have been the impatience of hon. Members under the infliction of a speech so lively as that of the hon. Member for North Warwickshire, it should at the same time be admitted that there were some precedents furnished by the past proceedings of that House for bringing controversial topics, of the nature submitted by the hon. Gentlemen that evening, under its consideration—until they got rid of them once and for ever. He was glad that the subject had been brought before them in a shape that would admit of his giving his vote upon it distinctly upon either of two principles. He understood that if he were to go into the lobby with the hon. Member for North Warwickshire (Mr. Spooner) he would be affirming—granting that the State had a right to bestow endowments for religious purposes—that such endowments could be bestowed in cases only where the religion was true, and that he would thereby be constituting the State—and that House as a part of the State—the judge between truth and error in religion. If he gave his vote in favour of the Amendment of the hon. Member for Birmingham (Mr. Scholefield), he understood that he would simply be marking his sense of the impropriety of sustaining religious institutions by State endowments. In the first case he would be aiming a blow at a certain form of religious profession; while in the latter it would only be expressing his objection to a particular mode of sustaining it. Now he would not so long as he was a Member of that House, and was the representative of so many persons differing widely in creed, consent to give any vote—authoritative so far as a single vote could be—pronouncing his decision upon the question of what was religious truth, or what was not. Deep as were his own convictions upon that subject, he did not choose to give any opinion in that House as to the comparative merits of religious systems. Let that question be settled elsewhere by such a process as would touch the matters in dispute—by reason and by persuasion—by the minds of those who proclaimed these systems. Law did not touch those matters, and all that hon. Members could effect with respect to religious distinctions by the framing of new laws with reference to them, was to manifest their own intolerance. Truth was entirely independent of that House; and he must say that he had very little faith in that religion which did not embrace within itself the great principles of justice, and which did not exemplify in all departments, political as well as ecclesiastical, that great maxim, "Do unto others as you wish they should do to you." But if he were obliged to decide in that House upon the question of what was truth and what was error—if he were under the necessity of bestowing endowments either upon one side or upon the other—he confessed he should feel disposed to give the money of the State rather for the support of error than for the sustainment of truth. [" Hear, hear!" *and laughter.*] Hon. Gentlemen seemed to be startled by that logic. Let them see whether, upon examination, it would not be found to be just. He would rather support by external means a bad system, than, by the application of those extraneous aids, extinguish the vitality of a good one. The very last creed he should consent to have endowed was his own. Why? Simply because he believed in it—because he had a strong faith in its own inherent and vital power. He would say to them, "Protect it in the exercise of its rights, but do not attempt to sustain it by endowments; do not interpose, either to nurse or feed it, but let it get its own living. If endowments must be given, let them be given to those who said that they could not do without them—to those who could not stand upon their own system, and who were afraid to trust their own creed." If he were obliged to give State support to some form of religious profession, he would prefer that it should be given, not to the truth, but to that which the truth had to overturn. He must say that he entertained the strongest possible objection to the Maynooth College Endowment Bill when introduced by the Government of the late Sir Robert Peel. He wished to do to that Government, and to all those who supported that right hon. Baronet, all justice. He believed them to have been influenced by motives that were patriotic and pure; that they intended that Bill to be a step towards religious equality; and that they intended it to soothe the irritation of the people of Ireland. He acknowledgedged the disinterestedness of their motives; but he believed the Bill itself to have been a mistake, and regarded it as having been demonstrated to have been a vital mistake by the events which had subsequently taken place. Properly speaking, it was not a step towards religious equality. Religious equality had been too often spoken of, not only in that House, but elsewhere, as if it meant simply that the professors and the teachers of every religious denomination should be placed upon the same footing in respect of the law, and in regard to the support they were to receive from the State. There was a much wider sense in which the term religious equality should be understood. He regarded religious equality as comprehending the relations of the laity and the priesthood. He had always looked upon it as an impolitic and a cruel course to put the people of Ireland in the power of the priesthood, and to have aided, by the endowment which Parliament had given to Maynooth College, in sharpening and strengthening that subtlety by which the priesthood had already wielded too great a power over the consciences of those who were under their control. He objected to the exercise of such an influence in the Protestant as well as in the Roman Catholic Church. The office of a religious teacher was in itself one which exercised a great power over the minds and consciences of those with whom it came in contact, and required not the additional strength afforded by a State endowment to add to its influence. But he had regarded the Act of Sir Robert Peel as not only opposed to the freedom of religious equality; he was also of opinion that it was not calculated to soothe the irritation of the Irish people. He would not, however, go into that topic upon that occasion, but would simply confine himself to the more immediate grounds upon which he meant to give his vote upon the question before them. He wished to get rid of the endowment to Maynooth, as well as of all ecclesiastical endowments whatsoever; but he would not consent to mystify himself; and he wanted to know what end was to be gained by voting with the hon. Mover of the Resolution before the House? How could he (Mr. Miall) justify it to his own conscience to take such a step in reference only to one class of Her Majesty's subjects, while there were many more powerful classes enjoying to a large extent the benefits of ecclesiastical endowments? He could not consent to be severe to the weak, and to show clemency to the strong. He would not side with Protestants when they did wrong, and he was not at any moment ashamed of standing by the Roman Catholics when they were in the right. He desired to see both religions rest upon their own merits; and he did not wish that either should receive artificial support from the State. Let Protestantism as well as Catholicity rest upon their own inherent power and vitality — for both contained some portion of truth—and they would be enabled to bring their influence to bear upon the best interests of the people at large, quite independent of State endowments.

Mr. E. BALL said, that one or two of the observations which had fallen from the hon. Gentleman who had just addressed the House, induced him to trespass on their indulgence for a very few minutes. He did not know whether he had been sufficiently fortunate to have correctly understood the meaning of the hon. Gentleman, who had promised that he would not mystify the House. He (Mr. Ball) was certainly one of those imbeciles in that House who had not been quite able to comprehend what the hon. Gentleman had, in the course of his address, meant to convey. He supposed, from what the hon. Gentleman had said, that he did not intend to insult the Roman Catholics; but he (Mr. Ball) contended that if the hon. Member were to follow up his speech that evening by voting against the Motion, he would cast a more severe reproach on the principles of Roman Catholics than would be cast upon them by anything that had been said by his hon. Friend the Member for North Warwickshire. The hon. Gentleman had stated that if he had to maintain a religion at all, he would prefer to maintain a bad religion rather than a good one.

Mr. MIALL wished to explain. What he had said was, that if he had to give State endowments to a religion, he would rather give them to an erroneous than to a truthful system; or, in other words, he would rather give external support to a bad cause, than kill the vitality of a good cause.

Mr. E. BALL: That was precisely what he understood the hon. Gentleman to have said. The hon. Gentleman had told them that he would prefer to endow error rather than truth; and hence it was that he (Mr. Ball) maintained that in order to be consistent, the hon. Gentleman should vote for the Motion of his hon. Friend the Member for North Warwickshire—because, if he were to support the endowment of the College of Maynooth, the natural inference was that he considered the religious system taught in that establishment to be an erroneous one. He would put it to the hon. Gentleman himself whether his hon. Friend the Member for North Warwickshire had that evening thrown out any more severe imputation against the Roman Catholic system, than the inference to be drawn from the speech of the hon. Gentleman. The hon. Member had made another statement which he (Mr. Ball) confessed that he was not able perfectly to comprehend. He had told them that he considered the result of the debate that night would be such as the country would not be proud of. What did the hon. Gentleman mean by that statement? Did he mean that the feeling of the country being so generally Protestant, and the great mass of the people wishing that the grant should be withdrawn, that House, by voting for its continuance, would arrive at a decision of which the country would not be proud? He (Mr. Ball) could entertain no doubt that the country would feel very greatly displeased with such a result. The hon.

Baronet the Member for the Tower Hamlets (Sir W. Clay) had adduced as an argument in favour of the continuance of the grant the fact that it had by means of a public compact been made permanent in the year 1845. Now, how easy it was when Gentlemen wanted to carry a point to use the same argument in support of directly opposite propositions. It was only the other night that the noble Lord the Member for London, who was no longer, he believed, the Secretary for Foreign Affairs, and who might be called the odd man in the Ministry—it was only the other night that the noble Lord, when arguing in favour of the Canada Clergy Reserves Bill, had told them that by the Act of the year 1840 the original agreement of the year 1791 upon that subject had been disturbed, and that there could be no reason why they should not follow out that precedent and disturb in its turn the arrangement of the year 1840. That argument of the noble Lord afforded a complete and satisfactory answer to the reason assigned by the hon. Baronet the Member for the Tower Hamlets for the continuance of the grant to the College of Maynooth. He did not mean to weary the House by going at length into that point; and he should say that it appeared to him, a young man in that House, that it was too much the habit of many hon. Members to speak at monstrous length upon subjects of every description. He was prepared to rest the whole of that case upon a single point, and that point was—had the grant which had been annually made to the Roman Catholics of Ireland, for the education of their priesthood, realised the expectations of its proposers? What was the purpose for which it had originally been made? It had been said by its promoters that it was desirable that Irish Roman Catholic clergymen should be educated at home, and not in a foreign country, where they might imbibe sentiments hostile to the best interests of the United Kingdom, and that the public money would be well laid out in creating among them kindly feelings towards England. Now, he would ask any Member of the House whether he could solemnly and deliberately declare that that object had been attained by the continuance of the grant? Had the Roman Catholic priesthood of Ireland displayed, of late years, generous and grateful feelings towards their English brethren? Or was it not true, on the contrary, that there was not in history anything so contrary to the Christian religion as the conduct of the Irish Roman Catholic priesthood during the late elections? But if the grant had not accomplished its purpose, was not that a very good reason why they should at length withdraw it? Were he (Mr. Ball) to record his vote on the question from feeling alone, he would undoubtedly vote against the Motion of the hon. Member for North Warwickshire, because he had always experienced more kindness from Roman Catholics than from Protestants; but as it was not a question of individual feeling, but of religion and morality, he felt bound to support the Motion.

MR. DUFFY said, that as knowing something of the Irish newspapers, upon the extracts from which the hon. Member had so plentifully garnished his speech, he was ready to join issue upon the only portion of the evidence which had not been answered repeatedly in that House. The hon. Member had spoken of the influence of the Irish priesthood exerted in the last election in Ireland, and had quoted speeches which he said had undergone a double test, that of never having been contradicted by the speakers, and that of having been selected indiscriminately from newspapers of all parties. Now, having a full knowledge of the papers quoted, he (Mr. Duffy) declared them all to be thorough partisans against the priests of Ireland. To Irish ears it would be enough only to name them—*Saunders' News-Letter*, the *Leinster Express*, the *Carlow Sentinel*, the *Western Star*, the *Kilkenny Moderator*. If the speakers had not answered statements made in such journals, it was because they did not think it worth while. Those papers never circulated amongst the Catholic population; they had too long traded in lies and slander for any Gentleman to admit them into his House. The hon. Member had quoted *Head's Journey*, but he had made some notable omissions. Sir Francis Head spent a week in Ireland, examining the country, and another week in pondering over the evidence he had collected, and then, in the book he held in his hand, he published the results of his fortnight's experience. Now, there was one chapter upon the published speeches of priests, and he had had an opportunity of testing some of those extracts. There was one extract filled with italics, and looking particularly ferocious, delivered by the Rev. David Bell, whose name would not be unknown to the Irish Members; but what would the

English Members think when he told them that he was not an Irish priest at all, but a Presbyterian minister of Ulster—who had lately fallen desperately in love with the Gentlemen on the Treasury benches, and was one of the tenant-league? Two other speeches were attributed to priests at Tyrone, namely, the Rev. John Howard and the Rev. A. Ferguson; but it turned out that they, too, were both Presbyterian ministers. Turning a few leaves farther, he came to a third instance in which the speech was so atrocious that Sir Francis had hesitated to give the speaker's name, but calls him the Rev. —— ——, priest of ——. This priest, Sir Francis said, thus addressed a large congregation, "I am a descendant of farmers, and the time is coming, I trust, when it will be as hard for an exterminating landlord to get into Parliament as a camel to go through the eye of a needle." Now, he would take upon himself to say that was not the sentiment of the Rev. —— ——, priest of ——, inasmuch as it was an extract from a speech of his own. Who could say after these glaring examples, how many more of the extracts, if he had time to investigate them, would not turn out to be the production of the Rev. David Bell, or of laymen like himself? The hon. Member had also quoted an English periodical; but he protested against Irish Gentlemen being made responsible for what appeared in an English periodical. He had heard that the *Rambler* was a magazine of considerable ability, but he had never read an article in it. If the hon. Member for North Warwickshire were to set up a *Protestant Rambler*, would English gentlemen be held responsible for its contents? He trowed not; and how then could they be held accountable for this English periodical, of which they knew nothing, and which they never read? He, however, must add that he utterly repudiated the doctrines contained in the extract read from the *Rambler*. Those doctrines were not his—they were not Catholic. He had listened with great attention to the hon. Gentleman who had brought forward this Resolution, with the view of ascertaining what was the practical result he sought to attain—what there was the hon. Gentleman wished to be done? He was aware that the Resolution proposed, that the money granted to Maynooth should be withdrawn; but that could only be a first step. Did the hon. Gentleman expect that the withdrawal of this money would prevent the teaching of the Roman Catholic religion in Ireland, or that it would put a stop to the training of Roman Catholic priests? If he did not, to what purpose was his Motion made? But if the hon. Gentleman did expect these things, then it behoved them to look at the facts of the case. When it was martyrdom for a Catholic priest not to teach only, but to appear at all in Ireland, there was no lack of priests to do their duty, and to take the consequences; and did they suppose the loss of a few accommodations at Maynooth would deter men who had faced martyrdom? Hon. Members who had so well studied the question might have remembered that when there was no Maynooth, priests were not only educated for Ireland by foreign Catholic sovereigns, but they were sent back endowed; and it was not quite impossible that the new President of the United States and the new Emperor of the French might renew their relations with Ireland. Sir F. Head seemed to be imbued with two opinions—one, that the most loving friend to England was the Emperor Napoleon, and her deadliest enemies the Irish priests. Perhaps it was intended by this Motion to force the Irish priests to go to the Emperor Napoleon for an *entente cordiale* towards England. What practical result could they hope to arrive at? If the Resolution passed, he could assure them the Established Church in Ireland would not long survive it. He would not give 10 per cent for the tithes of it. If this miserable pittance were taken from the Catholics, they would no longer tolerate the Established Church; for his own part, if it were withdrawn he would feel bound never again to pay 1*s*. tithes to the Church. And if they could not stop the education of the Catholic priests of Ireland, or the propagation of the Roman Catholic religion, what was the use of needlessly insulting the Catholics of Ireland by such a proposition, or to waste the time of the House year after year in discussing so impracticable a question? Nobody believed that the present Motion would pass; and, therefore, nobody ever thought it worth their while to stand up and answer the absurd charges which had been so often brought against the system of education at Maynooth. In history, in philosophy, in bibliography, in criticism, and in biography, the College of Maynooth had published books and essays that would be found valuable and permanent additions to the literature of the country. In truth, these men were not the persons whom the hon. Member for

North Warwickshire ought to assail, for he did not hesitate to say that the politics of most of the students at Maynooth were much more in accordance with the sentiments of the House of Commons than with his sentiments, or with those of the Gentlemen who sat near him. He was glad to see that Parliament had at last learned to consult the wishes of the people for whom it was to legislate; for it was only by consulting the wishes of the people to be legislated for, that legislation could have any success. This had been shown by their policy towards the Cape of Good Hope, and more recently towards Van Diemen's Land; and, to allude to a more striking instance still, he would mention the measures now pending for giving up the clergy reserves to the control of the Canadian Legislature. They had had experience in Canada; why not give Ireland the benefit of that experience? They had found out their mistake in setting the Lower against the Upper Province—the Celtic against the Saxon race. They found they produced nothing but rebellion, and now the Imperial Legislature seemed at length willing to do justice to the colony. They had discovered that no good had come of setting creed against creed; and what he now wished was, that they would adopt the same system of reconciliation in their policy towards Ireland, and consult the feelings and wishes of the people of Ireland, as they wisely consulted the wishes and feelings of the people of Canada.

Sir JOHN YOUNG said, he hoped that without offence to the hon. Member for North Warwickshire, for whom he entertained the highest respect, he might be allowed to express the deep regret he felt that the hon. Gentleman should have brought forward the proposition before the House—a useless and irritating proposition, that could not be attended by any good consequences, and that could not fail to add to those feelings of alarm and discontent on religious subjects, and to those feelings of sectarian animosity which had already had such calamitous results in Ireland. He was not, however, surprised that the hon. Member should have introduced the question; for certainly a portion of the press in Ireland, and a number of gentlemen who took part in politics, had used language not calculated to smooth the asperities of the public mind in this country; but he was satisfied that these gentlemen represented a small minority of the property, loyalty, and independence of the Roman Catholics of Ireland. The hon. Member based his arguments on two grounds: he objected, first, to the principle on which Maynooth was founded; and, secondly, that if the principle itself was right, or the reverse, the Roman Catholic clergy had by their misconduct at the last elections disentitled themselves to any favour at our hands. The hon. Member considered that the policy of the Maynooth grant was subversive of religion, hostile to loyalty, and incompatible with the allegiance due to the Sovereign. He would, however, draw the hon. Gentleman's attention to the arguments in favour of that policy, summed up in a letter written in 1798 by a bishop of the Established Church to Lord Castlereagh:—

> "I should think it a most unwise measure to suffer the education of the Roman Catholic clergy to return to its old course, from which so much mischief has flowed to the empire. On that event they must either go for their education to countries hostile to England, where in addition to their religious prejudices, they will imbibe those civil prejudices, and that spirit of hatred and resentment, of which France and Spain have uniformly availed themselves, ever since the period of the Reformation, to raise a party for themselves, and excite domestic disturbances in Ireland; or they will be left to pick up such an education as they can find at home, amid all the poverty, ignorance, and low and vicious habits of the class from which they are generally taken."

The institution of the college was reviewed in 1800; it underwent ample discussion again in 1808, and was admitted under the Administration of Pitt, Perceval, and Lord Liverpool, whose Protestantism would not be doubted, down to 1845, when it was decided by Sir Robert Peel to place it on a new basis. On that occasion the Duke of Wellington uttered the following sentiments, which exactly agreed with the opinions of those who founded the college in 1795. He said—

> "I beg to recall your Lordships' recollection to the events of the last few years. You have seen, my Lords, disturbances in Ireland which created considerable danger and alarm; you have seen disturbances having for their object the obtainment, by tumult and threats, of the repeal of the union between this country and Ireland; you have seen the interest which these transactions excited in foreign countries; you have seen foreigners flocking to Ireland, in order that they might attend at those tumultuous assemblies; you have seen publications in foreign countries, and the interest felt in general in the transactions in Ireland relative to those supporting the question of a repeal of the union—can you, my Lords, then think, under these circumstances, that it is desirable that you should depend for the education

> of ecclesiastics who are to administer the rites of the Roman Catholic religion in Ireland—can you think it desirable that they should resort for their education to these foreign countries? I do not, my Lords, say that the Governments of any of these foreign countries had any relation with any of the persons who manifested an interest in these illegal transactions. No, my Lords, I do not imagine any such thing—I insinuate no such thing. I am convinced, my Lords, of the contrary; but I know the facility with which any Government can take up and employ instruments when once they commence to implicate themselves in such transactions. I warn you, my Lords, against the possibility of its being supposed safe that you should leave the education of ecclesisastics for Ireland to foreign countries."—[3 *Hansard*, lxxx. 1166.]

It was, therefore, not on the ground of kindness to the Roman Catholics, but on grounds of imperial policy, that Maynooth was established and enlarged; it was to prevent those priests who, in times past, in times present, and—even if you abolish Maynooth to-morrow—in times future, will still exercise great influence over the minds of the people of Ireland—it was to prevent them from requiring foreign impressions and Ultramontane opinions. He believed they would see that great effects had flowed from that policy. ["Oh, oh!"] Some of the greatest and most patriotic men Ireland ever produced, of whom Grattan was one whom no man exceeded, in his knowledge of his country, and his loyalty to the Throne, had been of that opinion. Sir Robert Peel found the endowment had become quite insufficient for the education of the requisite number of Roman Catholic clergy, and for the requirements of the country; and he justly considered that such a state of things was calculated to produce feelings of indignation rather than of thankfulness. He therefore gave an increased grant to Maynooth. It had been said that this grant had not been received with any gratitude; but Sir Robert Peel had reason to know that it had been received with as much gratitude as he expected—with as much gratitude as any one could have expected; for there were natures on which benefits could make no impression, and which could not feel gratitude or patriotism. But Sir Robert Peel felt he was doing his duty, and that if this feeling of gratitude was not awakened in the hearts of Roman Catholics, it ought to have been so. He (Sir J. Young) believed it had been awakened, and that there were tens and hundreds of thousands of Roman Catholics whose pulse beat more warmly towards this country on account of the increased grant to Maynooth. On the occasion of that increase of the grant, the Earl of Derby said—

> "But, if they should still meet with disappointment, he should feel satisfied that they should regard the measure as a most useful one; and if agitation, after this and other measures, should still continue in a violent degree, he would suggest that wise maxim from a holy source—'Be not overcome with evil, but overcome evil with good. Regard not railing, nor be turned from thy course by it.' They might depend upon it that ultimately ingratitude and suspicion must be overcome by constant kindness."—[3 *Hansard*, lxxxi. 114.]

He firmly believed that opinion was wise and well considered; but without entering further into the consideration of the policy of supporting Maynooth, he would proceed to the hon. Gentleman's next assertion—that the Roman Catholic clergy had disentitled themselves to any favour at the hands of this country by their misconduct at the last elections. He was not prepared either to deny or defend the excesses which took place on the occasion; but he asked the House not to be too hasty to condemn, and to look to the circumstances under which the elections occurred. Great religious excitement had prevailed in England, and it raged with tenfold force in Ireland, amid a more excitable people. They had got a new franchise, and besides that, in several cases, and in more than one county, gentleman had come forward and had offered a useless and irritating opposition without the smallest chance of success, except by the most unconstitutional means, who ought to be considered morally responsible for all that had happened. Those who did so were morally guilty of any excesses that had occurred; and there were such men in more than one county in Ireland. There was also a Government in power which the Roman Catholics supposed to be hostile to them; and, just before the elections had appeared, a proclamation against the Roman Catholic Church, so ill-timed that many Roman Catholics considered it as nothing more than an electioneering squib. This was followed by the riots in Stockport, in which Roman Catholics had been grossly ill-treated. Roman Catholic houses were wrecked, and Roman Catholic places of worship broken into and demolished. Was it to be supposed the people of Ireland could be in a state of calmness after such events? No doubt, the excitement ran high. There were sixty or eighty elections, and some 3,000 Roman Catholic priests; and the hon. Member had produced ten or twelve cases out of the whole to support his views. If he meant to make a charge against the whole body of the priests, the evidence was most insufficient. He (Sir J. Young) was not particularly disposed to favour the priests, but he was there to do justice as far as was in his power. But with these few cases against this large body, the hon. Member came forward as a religious instructor, and inculcated upon the House high moral feelings; and he quoted Scripture, and told the House about a small number being saved out of many. But let the hon. Member remember that Scripture could be quoted against as well as by him. Let him remember, that when a great city had filled up its measure of iniquity, and vengeance was about to fall upon it, and the voice of an intercessor was heard, the human intercessor was weary of demanding mercy before the Divine Judge was weary of granting it. The hon. Member reversed the rule, and, instead of pardoning all because there was one good person, he was prepared to condemn all, because a few amid the mass had misconducted themselves. The hon. Member had argued as if the whole of the funds at the disposal of Parliament came from an exclusively Protestant source, and this was a free gift for purposes for which it should not be given. But let it be recollected that there were 3,500,000 or 4,000,000 of Roman Catholics in Ireland. [An Hon. MEMBER: More.] Probably there were 1,000,000 in England—5,000,000 altogether; and it would not be too much to say that they paid 10,000,000*l*. of taxes to the imperial revenue. Out of this large sum paid by their industry, paid by them in peace and honesty, the hon. Gentleman would grudge them so small a pittance as 28,000*l*. or 30,000*l*. for the education of the clergy whom they revered. But he (Sir J. Young) considered it not as a question of money, but as a matter of policy—a policy the utility of which had been proved by the experience of a long course of years—a policy sanctioned by some of the wisest statesmen this country ever produced—a policy voluntarily adopted by sagacious and far-seeing men, to their own honour, and to the great advantage of the country; but a policy forced upon the bigoted and shortsighted in times of peril and hours of emergency to their own discomfiture and discredit, and to the great disadvantage of the country. The hon. Gentleman had surely trodden upon dangerous ground. He seemed to be walking on the same ground as the Tuscan Potentate, only that he had not the same power. It was fortunate that it was not in the hon. Member's power to shut up a person in a prison in Ireland for disseminating his principles in a weekly newspaper; but he did not seem to want the will. It was not in his power to prevent Sir Robert Kane being the head of a college there, and raising its and the whole country's credit and repute, by his scientific attainments. It was not in his power to prevent Chief Baron Pigot from being an ornament to the judicial bench; but he did what he could—he went as far as he could, and would deny to the clergy whom they and millions revered, a pittance which appeared indispensable to enable them to receive a good education; and, as far as he could, he outraged and insulted the feelings of the loyal Roman Catholics of Ireland. Let it be supposed for a moment he should get the grant repealed—what then? Why should not the same principle be acted upon, and the case made out by the hon. Gentleman of misconduct on the part of some of the Roman Catholic clergy tell with tenfold force against the paid chaplains of the workhouses, the gaols, and the regiments? Would any man in his senses believe that the hon. Gentleman was going to put an end to the Maynooth grant, and then stop short? Of course not. This was the beginning of a retrograde policy—a policy which experience had condemned; for, if ever in the annals of the world there was a policy upon which the stamp of discomfiture and defeat had been broadly placed, it was that to which the hon. Gentlemans ought to recur, which existed in Ireland during the greater portion of the last century, and which he (Sir J. Young) firmly believed to be the cause of the greater part of the evils which now afflicted that unhappy country. It was undoubtedly right and natural, in countries where representative government prevailed, that the opinion of the majority should bind the minority; but it was not in accordance with just views of policy, or with a right feeling of what was due to our neighbour, or with any kind of justice or friendly feeling, that the majority should at all times, and in all cases, repudiate all regard to the opinions and feeling of the minority. But that was what the hon. Member wanted the House to do. As the Roman Catholics were the minority and the Protestants the majority, the latter, according to the hon. Member, were justified in disregarding the opinions and convictions of the former. He would only refer in conclusion to the opinion of one whom every man in the country would deem not only the greatest warrior, but one of the wisest statesmen that ever adorned this country, and whom the hon. Member for North Warwickshire (Mr. Spooner) would not hold to be deficient in loyalty. The Duke of Wellington, advocating the increased endowment of Maynooth in 1845, said in his place in the House of Lords, "There is a great Christian principle involved in this measure, the principle of abstaining from persecution." He said, "If you are strong, it is your duty to abstain from persecuting the weak. It is your duty to give effect to this Christian principle, and to abstain from even the appearance of persecution." [3 *Hansard*, lxxx. 1174.] Such were the words of the Duke of Wellington when enforcing the increase of the grant to Maynooth. He (Sir J. Young) would appeal to the Protestant representatives of this empire. The Protestants of this empire were strong in number, abounding in wealth, irresistible in their union, their energy, their intelligence. It might be that they had not met always with the gratitude they expected; it might be that they had received undeserved provocation. But let them not be turned from their onward course. Let them go forward conscious of their strength, walking in the glorious light of their own faith, and adopt the principle of toleration, not merely in profession, not merely in lip service, but as a reality. Let them avoid even the appearance of persecution by rejecting by a large majority—as he trusted the large majority of the House would reject—the unworthy and ungracious Motion of the hon. Gentleman.

Mr. STANHOPE would ask the attention of the House, at that hour, to only one point—whether the advantages that were held out to us in 1845 had since been realised? It was argued then that if there were evils at Maynooth, they proceeded from the system we had pursued; and he agreed very much that if we once allowed the principle of maintaining the college, it was bad economy to maintain it in a parsimonious way, so that those who were educated there should not have physical comforts, or obtain a sufficiently liberal education. We were told that, as we had given grudgingly, so they had received thanklessly, but that with a more liberal system they would change their policy towards us. But what had been our experience of the effect of Sir Robert Peel's measure from 1845 up to the present time? Parliament gave with liberality—a liberality they were well satisfied with at the time; but had that liberality been received with gratitude? He would not dwell upon upon the conduct of the rev. gentlemen at the elections; he would not inquire whether they had read the newspapers—though the accusations were certainly known all over the kingdom—nay, over all Europe. The Secretary for Ireland (Sir J. Young) had not denied their truth; but he said that considerable allowance was to be made for a time of excitement. He (Mr. Stanhope) was unwilling to take these cases, occurring at a period of excitement, and amid the tumult of election, as proving a case against the religion of these priests; but he did say we found rev. gentlemen, contrary to the rules of their sacred calling, inciting the mob to deeds of violence, and that conduct was not noticed by their superiors in the Church, nor reprobated by those who belonged to the same religion; that, in such circumstances, these exceptional cases must no longer be viewed on their own merits, but furnished strong ground of accusation against the Church to which these ministers belonged, and which did not condemn conduct so unfitting a sacred profession. But we had continually in the daily papers evidence that the working of Maynooth had not been to promote goodwill towards us. You could not take up the accounts from Ireland any week without seeing a letter from a rev. or right rev. gentleman, stating that, whatever was done, there could be no hope of the regeneration of Ireland till the Established Church was swept away, or its revenues divided. It had been said that if this grant were withdrawn, the College of Maynooth would still continue; but his answer to that was, that with the existence of the college, provided it was endowed from Roman Catholic funds, they had nothing, as Protestants, to do. At the present time, objecting, as a great majority of the inhabitants of this country did, to this grant upon religious grounds, considering that the objects contemplated by the grant had failed, and that there had even been a closer connexion between the Church of Rome and that of Ireland than ever existed before—when they had witnessed, moreover, in this country a like attempt to form a similar connexion between the two Churches—he did think the Protestant people of this country had a claim upon the Legislature no longer to call upon them to pay for the support of an institution which was wrong in principle, founded in error, and not calculated to do good in Ireland.

Debate *adjourned* until *To-morrow.*

OFFICE OF EXAMINER (COURT OF CHANCERY) BILL.

Order for Committee read.

House in Committee.

Clause 3.

Mr. MULLINGS said, that this Bill professed to be a reforming Bill, and one for saving expense to suitors; but he believed, in its present state, it would most seriously increase expense, and create additional inconvenience by requiring witnesses to travel from great distances. He wished to propose several Amendments to this clause, for the purpose of restricting the retiring pension to the case of Examiners already appointed, and for allowing compensation only in case of removal to such Examiners as should be hereafter appointed.

The SOLICITOR GENERAL said, he must resist the Amendments on the ground that they would go in a great measure to nullify the rest of the Bill. He himself had some verbal Amendments to propose in the clause. Some Members had supposed that this Bill specially referred to the gentleman who had acted as Examiner before the Bill of last Session passed; but any one who read the Bill must have seen that it was confined to the Examiners appointed subsequently to the passing of that Act.

Mr. G. BUTT said, the Act of last Session limited the pension of the Examiner to 300*l.* a year, and only gave it after thirty years' service. He objected to a gentleman being entitled to claim a pension after twenty years' service, when in the full vigour of his professional knowledge and skill.

Mr. BAGGE thought the hon. Member for Salford (Mr. Brotherton) ought to adopt the same course with regard to the present Government which he adopted when his (Mr. Bagge's) party were in power, namely, resist the proceeding with business after twelve o'clock. He should move that the Chairman report progress. He appealed to the hon. Member for Salford to be consistent, and not desert his duties on the accession of a new Government.

Mr. BROTHERTON said, he had never relaxed his endeavours to secure early adjournments. He had been in the House now for twelve hours, whereas the hon. Mover of the Amendment had but just come in.

Lord JOHN RUSSELL said, he thought it must be quite evident that, however the hon. Member for Salford might have persevered in his efforts, under several different Administrations, he had not succeeded in his favourite object.

Motion, by leave, *withdrawn.*

The SOLICITOR GENERAL said, he had now to move that the blank in the portion of the clause fixing the number of years' service which should entitle the Examiners to claim pension, should be filled up with "twenty."

Mr. G. BUTT moved, as an Amendment, the insertion of the word "thirty."

The SOLICITOR GENERAL wished to point out that this was only an enabling clause, and that if the Amendment were carried, it would make the Examiners an exception to all the other officers of the Court of Chancery, in respect to the number of years' service required to give them a claim to a pension.

Mr. HENLEY said, he could see no reason why a gentleman who might be appointed when very young should be entitled to a pension after only twenty years' service.

Question put, "That the blank be filled with 'twenty.'"

The Committee *divided:*—Ayes 37; Noes 20: Majority 17.

House resumed. Bill *reported* as amended.

House adjourned at half-past One o'clock.

HOUSE OF COMMONS,

Wednesday, February 23, 1853.

Minutes.] Public Bill.—2° County Rates and Expenditure.

COUNTY RATES AND EXPENDITURE BILL.

Order for Second Reading read.

Mr. MILNER GIBSON, in moving the Second Reading of the County Rates and Expenditure Bill, said, the subject possessed so little novelty that he thought he might stand excused if he did not press it on the attention of the House with any lengthened observations. It was a subject which had been before Parliament for the last twenty years. Immediately after the Reform Bill two Committees—one of the House of Lords, and the other of the House of Commons—sat to consider the subject of county rates; and, though the object for which these Committees were appointed was not strictly the introduction of the representative system, yet at that time it was held by many influential persons to be desirable that the ratepayers should have some voice in the control of the county expenditure. A Commission was afterwards appointed, of which Mr. Speaker was a Member, and that Commission reported that a plan had been suggested to them which appeared to be reasonable, namely, that the representatives of the ratepayers should act in conjunction with the magistrates in assessing the county rates and in controlling the county expenditure. The Commission distinctly admitted the soundness of the principle that there should be representative control over such large sums as the county rates then amounted to, and which at the present time reached a much larger amount. Subsequently the hon. Member for Montrose (Mr. Hume) introduced a Bill for the purpose of giving the ratepayers the control that was asked. After struggling against much opposition, his hon. Friend, having many other matters of public interest to engage his attention, gave up the contest. It was from the hands, as it were, of the hon. Member for Montrose that the promoters of the Bill which he (Mr. M. Gibson) now submitted to the House, had received the measure; but he regretted to say that they had been obliged to make very considerable concessions, and to depart very greatly from those sound principles which his hon. Friend originally introduced into the Bill; and they had done so, he admitted, with the views of expediency, that they might get something carried, desiring, on the instalment principle, to take as much as they could get. The Bill which it was now proposed to read a second time, was supported by Members on both sides of the House. It did not assume at all the character of a party measure. In fact, his hon. Friend the Member for South Nottinghamshire (Mr. Barrow) had consented to let his name be put on the back of the Bill; and, from his great knowledge of county matters, his aid was of much value. The measure might be correctly described as a Liberal Conservative measure. Making certain concessions to the representative principle, it reserved at the same time to the magistrates considerable powers, and did not in the smallest degree trench on their judicial authority. When the Bill was introduced in 1849, or rather in 1850, it was referred to a Select Committee, which had the power of taking evidence. The Bill was read a second time, the House distinctly recognising the principle that representative control should be introduced. In 1851 the Bill was again read a second time, and referred to a Select Committee, which, however, had not power to receive evidence. That Committee went through the clauses with great care. It was composed of men qualified to form a sound opinion on the subject. The present First Lord of the Admiralty (Sir J. Graham), the right hon. Member for Morpeth (Sir G. Grey), the present President of the Poor Law Board (Mr. Baines), and the late Secretary for the Colonies (Sir J. Pakington), as members of that Committee, devoted great time and attention to the clauses of the Bill. He (Mr. M. Gibson), with some other Gentlemen who were on the Committee, did not agree to all the alterations which the Committee of 1851 thought fit to introduce. The Committee were by no means unanimous. In one instance, by a majority, the Committee at first sanctioned the view he proposed, though the decision was afterwards rescinded. He should not have ventured, as an independent Member of Parliament, to introduce a Bill at all, knowing the great difficulties which must attend the effort by a private Member of Parliament to carry through a Bill of such magnitude. He should have preferred its being in the hands of the Government. As Parliament had sanctioned the second reading of the Bill, and the subject had been considered in two Committees—he might have said in four—it became, he would suggest, the duty of the Government to introduce a measure on a subject with which for a long period it had been the wish of Parliament to deal. The Government had not, however, shown a disposition to take that course; and he felt it a matter of duty to use what humble powers he had in bringing forward the present Bill. He hoped, however, that the Government, if they would not take the responsibility of initiating the measure, would, coming to his aid, assist him in carrying it into a law. He was much encouraged to take his present course by the declaration of the late Chancellor of the Exchequer at the commencement of the present Session, who said, with respect to the administration of the county rates—

> "I will state generally, on the part of Government, that we have not the slightest objection to

the representative principle being carried into any portion of the management of the affairs of this country into which it can be introduced with advantage to the general interests of the community."

On that statement he now claimed the vote of the right hon. Gentleman for the second reading of this Bill, because sanctioning the second reading did no more than give an approval to the introduction of the representative principle for the control of county expenditure. He (Mr. M. Gibson) claimed also the votes of those Members of the Government who were more immediately connected with the late Sir Robert Peel. In 1850 that distinguished statesman supported the second reading of the Bill then before Parliament—a Bill much stronger in its character than the present—and on that occasion he said—

> "By voting for the second reading he should admit—what he was prepared to admit—the principle that the representative system should, to a certain extent, be adopted in the administration of the county funds."—[3 *Hansard*, cix. 832.]

The present First Lord of the Admiralty said—

> "His opinion was, that some check, founded on popular election, and consisting of ratepayers acting with the magistrates and on the magistrates, was now necessary, and ought to be established."—[3 *Hansard*, cix. 827.]

He (Mr. M. Gibson), therefore, claimed the votes of those Gentlemen on that side of the House to whom he had referred as connected with the Government; and, as a matter of course, he claimed the votes of the Members of the Whig party, because they had never ceased to advocate at least the principle that the ratepayers ought to be admitted to exercise a control in regard to the county expenditure—that the system established in boroughs with town councils should, as far as possible, be extended to county populations. He should proceed briefly to state in what respect the Bill of which he now moved the second reading differed from the Bill which came out of the Committee in 1851. It might appear singular to hon. Gentlemen, that after the Committee of 1851 devoted so much time and attention to the perfecting of a measure, he should have undertaken to make some not immaterial changes, and to have introduced a Bill different from that to which the Committee agreed. He quite admitted that Members of the Committee might vote against those alterations when they appeared in the Bill, but he anticipated their support on the principle of the Bill. The first material alteration was this: that in constituting the County Board all the members of it should be elected by the elective portion of the Board of Guardians. The Bill of 1851, as it came out of Committee, laid down that one-half of the members were to be elected by the elective portion of the guardians, and that the justices who were to form the other half of the Board were to be elected by the Justices of the Sessions. Although the financial board was to be composed one-half of justices and the other of persons, whether justices or not, who should be elected by the elective portion of the Board of Guardians, the promoters of the Bill thought, that inasmuch as responsibility to the ratepayers was the principle to be established, it was more desirable that the justices who were to form part of the Board should be elected by the ratepayers, rather than by the justices at quarter-sessions. It would be a departure from the principle of the Bill if they did not adhere to that alteration, that principle being that those who constituted the Board should be responsible to the ratepayers. He believed that the proposed mode of electing the Board would be found sound, and consistent with the main objects of the Bill. He attached considerable importance to this amendment of the Bill of 1851. The next change which had been introduced was this: The Bill of 1851, although it gave to the financial board the power of making and levying rates, and of regulating the expenditure of all the moneys collected under the Constabulary Act, did not give to the board all the powers which were exercised by the justices in quarter-sessions under the Constabulary Act. He thought the financial board should have all the same powers as were conferred by Parliament on the town-councils of boroughs, who had complete control over the police. That portion of the law had been found to work well. It was thought right that the financial board should have the same powers as were vested by the Constabulary Act in the justices; but an objection had been started, though he did not consider it of any weight, that the financial board might not be willing to keep up such a constabulary force as was necessary for the safety of the county and the maintenance of an efficient police; a proviso, therefore, had been introduced giving to the justices of the county power to make a representation to the Secretary of State, that, in their opinion the constabulary force was not sufficient for the protection of the county. In making this representation, they would be required to set forth their special reasons. The Secretary of State might then order an increase in the number of the constabulary fôrce, but to such an extent only as should not exceed the number now fixed by law. Another alteration was, that the financial board, having nothing to do with the patronage connected with the gaols, or with the regulations of the gaols, or the discipline in the prisons, it was thought that they should at least have the power of controlling the salaries to be paid to the officers of the gaols. That was a power possessed by the town-councils of boroughs. A decision had recently been given in the case of the York city gaol. It appeared that the town-council would not pay the increased salary of the governor as voted by the justices. On a *mandamus*, the Court held that the justices could not increase the salary without the consent of the town-council; that showed that it was the intention of the Legislature, that although the justices should have the regulation of the gaols, yet, the salaries of the officers being a matter of finance, they should be controlled by the town-council. Therefore it was provided by this Bill, that, reserving to the justices all powers of regulation, the financial board should have a controlling power in the matter of salaries. With regard to the pauper lunatic asylums, a precisely similar course had been taken. It was proposed to vest in the financial board similar powers in reference to those asylums as were vested in the town-councils by Act of Parliament. These were matters for the consideration of the House. If the House thought it was not right that the financial board should exercise such extensive powers as the promoters of the Bill had thought fit to vest in them, it would be for hon. Members to urge their own views upon the House, and for the Committee to make such alterations as the Bill might require. But at the present time he submitted that these differences of opinion as to the precise amount of power which the financial board should exercise, would not be a sufficient argument to justify the House in rejecting the Bill upon the second reading; for in agreeing to the second reading they did but sanction the sound constitutional principle that the representative principle should be introduced in some form or other in assessing and expending the county rates. Therefore, with the utmost confidence, he now begged the House to sanction the second reading of the Bill. He did not propose referring it to a Select Committee. He hoped no hon. Member would make any such proposition. If the Bill was to be destroyed at all, he would prefer being relieved of his sufferings at once on the second reading, rather than be put to the torturing process of a Select Committee. They had already had a Select Committee, who examined all the witnesses who could be called; and the House was now, in his opinion, in a condition to legislate upon the subject. He therefore asked the House to take the Bill into their favourable consideration, and to sanction its second reading.

VISCOUNT PALMERSTON said, that he was anxious to say a few words on this subject on the part of the Government, and possibly the statement which he would have to make might save some of the time of the House. He admitted fully the importance of the matter to which his right hon. Friend's Bill related—it was indeed of much greater importance than it would appear at first sight to one who superficially examined the subject, because it involved not merely the question of local expenditure, but it involved also those very important national considerations, he might say, of the police of counties, and of the treatment of prisoners in general, and that more delicate and interesting subject—the custody of pauper lunatics. It involved, also, considerations connected with the personal feelings and the public position of that most valuable class of men—the unpaid magistracy of the country. With regard to the fundamental principle of the Bill, namely, that of the introduction of the representative system, for the purpose of controlling the county expenditure, he considered that principle to have been so completely admitted by what had passed in regard to this matter in former Parliaments, that he was ready to acquiesce in this Bill so far as that principle was concerned. Therefore it was not his intention to offer any opposition to the second reading, meaning thereby that he acquiesced in the representative principle of the measure. The House, however, must bear in mind that of all the great aggregate of county expenses there was a much smaller proportion than might at first be supposed which was capable of being made the subject of discussion on the part of the magistrates, because a very large portion of the annual expenses of counties arose out of matters regulated by Acts of Parliament, over which no person could exercise any control, so that the House must not expect that the introduction of this principle could very materially influence the amount of county expenditure. When stating that, he was quite ready to concur in the second reading of the Bill; but he must say that it was with the view of going into Committee, and there of having the Bill brought back to the provisions of that measure which, in 1851, came out of the Select Committee, where the subject had been most anxiously and deliberately investigated, and from whence a Bill had come which he believed had received the unanimous concurrence of the Committee to which it had been referred, and in that Bill his right hon. Friend the First Lord of the Admiralty had concurred. There was one point mentioned by his right hon. Friend (Mr. M. Gibson) in regard to which he himself should not insist upon the adaptation of the present Bill to that of 1851—he meant the question as to how the financial board should be elected. The Bill of 1851 had provided that the financial board should consist of at least one-half magistrates; that half should be elected by the magistrates themselves in quarter-sessions, and that the other half, which might or might not be magistrates, should be elected by the elective portions of the Boards of Guardians. His right hon. Friend, in his explanation of the difference between the several Bills, laid some stress upon the principal provision of the present Bill, which provided that the financial board should be entirely elected by the elective portion of the Boards of Guardians. He (Viscount Palmerston) had no objection to that arrangement. Indeed it struck him that it might be more conducive to the harmonious action of the financial board; and for this reason, if for no other, that if they divided the financial board into two parts, the one part to be elected by the one authority, and the other part by the other authority, each electing body would take special care to elect those of its own kind, that was to say, the magistrates would, of course, elect their half entirely from the magistrates, and the Boards of Guardians in that case would be likely to elect no magistrates as forming part of the half which fell to their share; whereas, if the whole body were elected by the same electoral body, he thought the chance might be that in many cases magistrates might be elected as part of the half which might consist of magistrates or not of magistrates. In all other particulars he certainly would urge the House to adapt the present Bill in all respects to the arrangements of the Bill of 1851. He had only further to say that in agreeing to such a proceeding he trusted that the House and the country would not suppose that the acquiescence of the Government in this change, which was of considerable importance in the arrangements of counties, arose from any distrust whatever in the unpaid magistracy of the country. Nor did he think, himself, that it would be found on inquiry that those magistrates had at all been inattentive to a proper economy of the funds entrusted to their management. He was much inclined to think, although this alteration might be more agreeable and satisfactory to the feelings and opinions of the country at large, that practically it would not be found that any material saving of expense would be effected by it. There might undoubtedly be some instances where magistrates in particular districts had been, perhaps, less attentive than they ought to have been to economical considerations; but, taking the country as a whole, he was disposed to think that those funds over which the magistrates had had the control, had been administered with a due regard to economical considerations and the interests of the ratepayers. And, in fact, the magistrates being themselves a very essential and important part of the ratepayers, it was obvious that they had a personal interest in bringing the expenses within such moderate limits as were consistent with the efficiency of the services which had to be performed. There was another change which had been suggested to him by some hon. Members, and which when the proper time came he thought might well be considered by the House, and that suggestion was that this measure, which naturally might be repugnant to the feelings and opinions of the magistrates at large, might be made optional, instead of imperative—that was to say, instead of compelling any county to adopt it, it might be left to the decision of the Boards of Guardians of that county, as intimated by majority or otherwise, whether the Bill should or should not be applied to their particular county. It had been stated that some counties were very anxious for this Bill; for instance, Lancashire, Nottinghamshire, and others; whilst other counties were not desirous of the change. Upon this question he really could give no opinion of his own; but he merely threw it out as a matter which the House would be called upon to consider during the progress of the Bill. But his only object in rising at present was to state that on the part of the Government he was ready to concur in the second reading of this Bill, with the clear understanding that in Committee the measure—subject to the exception that he had stated—should be brought back to the arrangements of the Bill of 1851.

MR. FRESHFIELD said, that by adopting the second reading they were adopting all that was objectionable in the principle of the Bill. The principle of the Bill was the establishing a financial county board. He considered such a board to be entirely unnecessary; and that, if established, it would be productive of the worst possible consequences. Why was such a board required? There was already a finance committee in each county, to examine the accounts, and to report upon them to the sessions. All those accounts were made public in the different parishes; and they clearly showed how little control the magistrates really had over the expenditure, and how much they were bound to provide by the power exercised by the Secretary of State under the authority of Parliament. The greater portion of the county expenditure was on account of the interest of money borrowed, and in repayment of the principal, for those essential improvements which the magistrates were bound to make in providing pauper lunatic asylums and county gaols. All their proceedings relating to the county rates must take place in public, and were open to inspection in every respect, so that every security against mismanagement was now afforded to the ratepayers; and by the 15 & 16 *Vict.*, c. 81, passed in the last Session, returns were periodically to be made to the Secretary of State, and were afterwards to be laid on the table of the House; and there was this advantage to be derived from those returns, that they would not only show what rates were actually levied in any particular county, but also afford an opportunity of making a comparison between the expenditure of the different counties throughout England. He held in his hand an account delivered previous to every Session from the county of Middlesex. There was no one subject of expenditure which was not divided from another. There were, also, the details of every separate head which might be made the subject of discussion, if necessary, on the part of the magistrates; and who were those magistrates? They were men entertaining different opinions, and who had an interest in showing themselves anxious to attend to the concerns of the county. Some of them were the Parliamentary representatives of the people, and were naturally desirous of showing how much care they took of every 5*l.* or 10*l.* of the money raised from the ratepayers, who were their constituents. He (Mr. Freshfield) took an active part in the management of the financial concerns of what he might term his own county (Surrey), and he could vouch for an extent of care and economy in the expenditure of county money, quite equal to that which took place in Middlesex; and no vote open to observation ever passed without criticism, nor was such criticism ever discouraged. The magistrates were, in fact, engaged in discussing their own concerns, in an expenditure principally paid by themselves, directly, or through their tenants. By the proposed measure power would be put into the hands of the ratepayers to decide upon questions whether this or that expenditure should take place, not with reference to the necessity of such expenditure, but in order to limit the expenditure to the lowest possible amount:—improvement would be out of the question. There would be that difficulty to be contended with if these financial county boards should be established. The Boards of Guardians were not intrusted to elect the district surveyor, under an important Bill introduced by the noble Lord the Member for the City of London, and the Bill failed in consequence; but they were to be intrusted to elect a financial board. The noble Lord (Viscount Palmerston) was of opinion that there would be a propriety in allowing the Board of Guardians to elect both the magistrates and those who were not magistrates, who should constitute the financial board; but had the noble Viscount considered that in some counties there were magistrates who were desirous to expend not only as little as they ought, but less than they ought, and who were guided, not by a feeling of economy, but of parsimony? Now, the Board of Guardians would probably wish to elect such men. The consequence would be that there would not be a fair representation of the magistracy of the county on such a Board. On the contrary, you would have those magistrates elected who had made themselves conspicuous in advocating measures for limiting the expenditure of the county, however proper that expenditure might be.

You would not have a Board composed of magistrates on the one hand and ratepayers on the other, but you would have a Board composed altogether of a peculiar class of men. See, again, the power which it was proposed to confer on the ratepayers. A man paying, it might be, upon a rental of 30*l*., a year would have a control coextensive with the largest landowner in deciding upon what improvements should be adopted in the county. He did not wish the ratepayers to be made to pay a shilling more than they ought; and if there were any particular counties where this Bill was desired, let them be placed under such a measure; but, at all events, a general Bill ought not to be forced upon the great majority of the counties which were satisfied with the present system. An hon. Friend of his the other day said that the question of the hop duty was one of Sussex against all England; and he (Mr. Freshfield) would venture to say that this was a question of Lancashire against all England. So far as Middlesex and Surrey were concerned, he could affirm that no proposition more unnecessary or more objectionable could enter the imagination of man. But there were some counties where the interests of the ratepayers were not so well provided for. Let his right hon. Friend bring forward a proposition to give them more ample powers to control the expenditure of the county rates, and he would find him (Mr. Freshfield) ready to support it. But let him not press such a measure as this upon the counties indiscriminately. The noble Lord appeared to consider it a measure perfectly agreeable to the magistrates; on the contrary, it was regarded as a degradation of the magistrates. It was true that their judicial powers were reserved to them; but, practically, they would be very much impaired by a measure of this sort. The confidence of the people would be withdrawn from them. The ratepayers would be taught not to rely upon the magistrates, although they might be acting for the public advantage. What, after all, was the amount of the county rate? He doubted whether in any county in England the rate exceeded 4*d*. in the pound, and of that sum probably not more than one halfpenny in the pound was levied for an expenditure which could be regarded as voluntary: all the remainder, as he had before stated, consisted of payments for works which the county had been compelled to execute under public authority. It was in the levying of such a rate that the representative principle was to be introduced. Why was not the same care shown in regard to the highway rate? The surveyor of the highways was allowed to levy three tenpenny rates upon his own authority, and yet for this small amount of fourpence, he would rather say one halfpenny, in the pound, the whole system of management was to be changed. But since the noble Lord had thought it his duty to give his sanction to the principle of this measure, he (Mr. Freshfield) owned he should have been much more satisfied if the noble Viscount had determined to take the responsibility of the Bill upon himself; as an opportunity might have been afforded of removing from it much of its objectionable character. It was unfortunate that the noble Lord had, to some extent, consented that there should be a county financial board. If there should be any such board instituted, let it be formed how it might, he would say that from that moment there would be an end of all improvements in the county. No such board could be satisfactory to the public, or beneficial to the public interest.

SIR BENJAMIN HALL said, he was rather surprised to hear his hon. Friend at this time of day utter the strong denunciations which he had done against the Bill before the House, because he (Sir B. Hall) had thought that all those old Tory denunciations in reference to the conduct of the magistrates of this country had been long since exploded. He was glad that his noble Friend (Visct. Palmerston) had sanctioned the principle of the Bill; and, although he concurred with his noble Friend in the opinion that it was not likely the measure would effect any very great reduction in the county expenditure, yet he believed it would introduce a principle which would give general satisfaction. The people would know that the great principle of local self-government had been adopted in the management of the county expenditure; and that if any extravagance should in future occur, they would themselves be alone to blame, and the odium would no longer be thrown on the magistrates, as now, whether justly or not. The hon. Gentleman had said that this was a question of Lancashire against all England. Now, considering his (Sir B. Hall's) connexion with the county of Middlesex, he might be supposed to know something of the feelings and wishes of the people of that county, and he could most truly say that the people of Middlesex wished to have a control over the expenditure of the county rates. His hon.

Friend had said that everything was conducted by the magistrates in open court; that the accounts were gone through and audited in the most satisfactory way; and that the public might come and see how the management of the expenditure was conducted. Now he (Sir B. Hall) believed his hon. Friend was a Member of the House when Lord Stanley of Alderley brought in a Bill to compel the magistrates to have a public audit of the expenditure of the county; and the very same argument was then used as now, about the degradation that such a measure inflicted upon the magistrates, that it threw a stigma upon them, and that they ought to be permitted to conduct their proceedings in secret, as they had hitherto done. Lord Stanley's Bill was carried, and he was glad to hear his hon. Friend say that it had worked well. There was another proposition laid down by his hon. Friend which called for remark. His hon. Friend asked whether men who paid even the smallest amount of rates, should have the same power of giving the same vote for a bond of audit of accounts as the man who paid the largest amount of rate? He (Sir B. Hall) would at once answer the question by asserting that every ratepayer, without distinction, ought to have the power of voting proposed to be given to him by this Bill. One of the greatest evils of parochial legislation was the system of a plurality of votes. He trusted that nothing of that sort would be inserted in this Bill. The noble Viscount had thrown out a suggestion as to whether this should be a permissive or a compulsory measure. Generally speaking, he thought, if a good principle were once laid down, it was much better to make the measure founded upon it compulsory than permissive. Some Boards of Guardians might wish to bring the Bill into operation, and yet might not be able to do so unless the law was made compulsory. With regard to the proviso that the whole financial board should be elected by the guardians, he considered it to be a most salutary provision; it would never do to allow the magistrates to elect one half, and the ratepayers the other, and the House might be assured that the ratepayers would always elect to the Board those parties who did their duty, and reject the others.

Sir JOHN PAKINGTON said, he had listened with satisfaction to much that had fallen from the noble Viscount with respect to the Bill before the House; but he could not help asking him and the House to bear in mind the *animus* which was but too palpable throughout the measure—and which clearly was to strike a blow at the magistracy of England. This measure had been brought forward annually for many years past, and the noble Viscount might not be aware that the right hon. Gentleman (Mr. M. Gibson), in his Bill of last year—which materially differed from all his preceding Bills—proposed altogether to dispense with the services of the magistrates of England from his contemplated county boards. The House rejected by a large majority that measure on the second reading, and the right hon. Gentleman now reverted to his old proposition, not, however, without candidly avowing that his object was to proceed by instalments to supersede the magistracy in the discharge of their financial duties. The right hon. Gentleman had repeated two glaring fallacies in these discussions, until, no doubt, he believed them himself—the first of which was, that the magistracy of England had an arbitrary and unlimited power of taxation. So far from this being the fact, the functions of the magistracy were strictly and rigidly confined within the four corners of the Acts of Parliament by which their duties were imposed upon them. The other fallacy was, that of drawing the false and invidious distinction—against which he had always protested—of arraying the magistrates on the one hand, and the ratepayers on the other, as two opposite bodies. The truth was, that no portion of the ratepayers could have a more direct interest in economy and retrenchment than the magistrates themselves had, for they were generally the largest ratepayers. It was said that the magistrates were apt to indulge their taste in architectural ornaments, without regard to economy; but he thought that more popular bodies were not altogether free from faults of the same kind, and he believed that one of the most costly gaols in the country had been built by the freely elected town council of the borough of Birmingham. After the announcement of the course that the Government was to take, he (Sir J. Pakington) did not intend to press his opposition to the second reading of this Bill; but he wished it to be distinctly understood that he reserved to himself the right to take the gravest objections hereafter to all its most material provisions. The Bill required very important alterations, and if it was to be passed, it ought to be taken up by the Government, and not left in the hands of a private Member. The noble Viscount was greatly in error in saying that the Bill of 1851 received the unanimous approbation of the Select Committee. He (Sir J. Pakington) was himself a Member of that Committee, upon which he could state that there was great division of opinion, and one of the most important provisions of the Bill was only carried by a single vote. The worst part of this Bill was the restriction of the number of justices to serve upon the board to the same number of members as were to be elected by the Board of Guardians. The effect of this in his own county (Worcestershire), where there were twelve unions, would be, that the board would consist of twenty-four members, one half of whom only would be justices, and the consequence would be that the magistrates, who were now two hundred in number, would be cut down by a sweeping reduction to twelve. Such a measure would create the greatest disgust throughout England, among gentlemen, who, to their own honour and to the benefit of the country, had been accustomed to discharge the important functions of the magistracy. He maintained that it would be most impolitic and unwise, for the sake of any abstract theory, to deprive the magistracy of the powers which they had hitherto exercised with such advantage to the country. He would not have objected to any proposition to place a certain number of elected members upon each board; but nothing could justify the wholesale disfranchisement of the magistracy which this Bill contemplated. He could not agree with the noble Viscount that it was an improvement to have the magisterial members elected by the Board of Guardians, instead of by the magistrates themselves; and he further objected to the transfer of other than poor-law duties to the Boards of Guardians, who had quite enough to do already without throwing additional duties upon them. He would not detain the House any longer, but simply express his belief that this measure, even if it were adapted to the provisions of the Bill of 1851, would seriously tamper with a system which was intimately connected with the administration of justice and the preservation of order in this country. The right hon. Member who introduced thir Bill, admitted economy was not an object in view. What, then, did he seek? For centuries the Legislature had confided the working of our laws to the magistracy; and now they were going to transfer the management of the internal affairs of the counties—their gaols, lunatic asylums, bridges, &c.—to a new body, untried and inexperienced. It was one of the greatest questions the House could consider, whether the body proposed to be constituted could administer county affairs as well as those who had been so long intrusted with them.

Sir GEORGE GREY said, that after the obsesvations that had just fallen from his right hon. Gentleman who had just resumed his seat, he could not refrain from rising to express his concurrence in all that had been stated by his noble Friend (Viscount Palmerston) with regard to the second reading of this Bill. He thought that it was desirable, and would be more satisfactory to the ratepayers throughout the country, that the representative principle should be applied to the constitution of bodies charged with the administration of financial affairs. When a Member of a former Government, he (Sir G. Grey) had assented to the second reading of the Bill of 1851 of the right hon. Member for Manchester (Mr. M. Gibson), although objecting to many of its provisions, in order that it might be referred to a Select Committee. The Bill was so referred, and the Committee, after much deliberation, effected important alterations in the measure, the principle of which alterations was, that whilst it was desirable that boards with the representative principle infused into them should have the control of the financial affairs of counties, not only their judicial duties, but also their executive powers with regard to the management and control of the constabulary, the gaols, and lunatic asylums, should be reserved to the magistracy. On the present occasion he understood that his noble Friend the Home Secretary intended to go back substantially to the alterations which the Committee made in the Bill of 1851; and therefore, agreeing to the general principle of the Bill, and understanding that his right hon. Friend the Member for Manchester was willing to give a fair consideration to the Amendments proposed by that Committee, he (Sir G. Grey) would support the second reading.

Mr. HENLEY said, that none of those who had consented on a former occasion to the second reading of the Bill, had given their approbation to the measure. The Select Committee had decided to reserve the control of the gaols, lunatic asylums, bridges, and such matters, to the county magistracy, and he hoped the House would agree to that decision. He trusted the noble Lord (Viscount Palmerston) would see that any clauses which might be introduced would really work, for the great difficulty in managing these Acts was to work them so as not to bring county affairs to "a dead lock," which would inevitably be the case if the Bill was passed in its present state. He warned the noble Viscount to beware lest a conflict should arise as to the executive administration of gaols and lunatic asylums, and to see that it was confined to one body, for he could not expect the unpaid magistracy to take on themselves the responsibility of management if they found themselves controlled by a body which was not responsible. He had the greatest objection to create these electoral colleges in the counties. If they must have elections, let them have elections by the ratepayers at large, as Poor Law Guardians were elected. On the whole, seeing the objections which had been expressed to the Bill by the noble Viscount and the right hon. Gentleman opposite (Sir G. Grey), he hoped the Government would bring in a measure of which they would assume the full care and responsibility, and that the present Bill might be withdrawn.

Mr. BAINES said, he entirely concurred in the opinion which had been expressed by several hon. Members with respect to the great importance of retaining in the hands of the magistracy the powers they now possessed over the county gaols and lunatic asylums; and, if the right hon. Gentleman opposite (Mr. Henley) referred to the Bill of 1851, he would find it contained express provisions for that purpose. The object the Select Committee of last year had in view was to prevent the powers which were most wisely and beneficially vested in the magistracy from being transferred to the new financial boards. The right hon. Baronet (Sir J. Pakington) had made one mistake with respect to the operation of this Bill, when he said that only half of the board could be composed of magistrates. One half of the board must be magistrates—the other half might be magistrates, if the ratepayers pleased to elect them. It was also a misapprehension to suppose that the proceedings of those boards would be secret, for the 58th clause provided that all the business of the county board should be discussed publicly. He agreed to the second reading of the Bill on the grounds stated by his noble Friend the Home Secretary.

Mr. Henley

Mr. BARROW said, he was one who wished to preserve property and the rights which belonged to it, and he desired to have the details of the Bill honestly carried out. He objected to the extremes of the coincidence of taxation with representation, and he believed the Bill avoided them, while it sufficiently protected the rights of property by giving it, to a certain extent, a plurality of votes. He was surprised to hear the objection that the electoral privilege was not rightly vested in the Board of Guardians, and ought to be vested in the ratepayers, because the Boards of Guardians were ratepayers, with a strong interest to restrain county expenditure within proper limits, and were frequently presided over by noblemen and Members of that House. For the same reason he could not imagine there would be any improper selection of the financial boards. He was not willing to interfere with the unpaid magistracy; but as to the remark which had been made, that they had exercised those executive powers for many years, he believed that those powers had been conferred on them by driblets, as Act passed after Act, and in the absence of proper machinery to carry out their provisions, which was now supplied by this Bill. It was as well to remind the House also, that, under the system which had prevailed, the county rates had been doubled in the last twenty years. He was quite sure the measure would, if passed, increase the confidence of the county ratepayers as to the employment of their money. He did not believe there would be that extreme economy and absence of public improvement which some hon. Gentlemen seemed to apprehend; and in proof of this he knew that since the rates had been administered by the ratepayers in towns, the amount of money spent upon works of improvement in those towns had been most excessive. This was a very strong answer to those who said that a financial board elected by ratepayers was likely to be characterised by extreme economy.

Mr. J. B. SMITH said, that in the county of Chester the magistrates had adopted a plan very much in consonance with that proposed in this Bill. At every petty sessions they elected one of their number to a financial board which had the sole control of the finances of the county, instead of the body at large.

Mr. PACKE said, there were two offices created in this Bill which were now unknown, and he believed that so far from producing economy, this would be a measure of extravagance. One part of the Bill upon which hon. Members had omitted to touch, demanded, he thought, the utmost care, namely, that portion which affected lunatic asylums. He was chairman and treasurer of the lunatic asylum for the county of Leicester, and from his knowledge of the management of that asylum, he was quite sure that if the operation of the 9th of *Vict.* c. 126, were interfered with by this Bill, it would most materially affect the interest, and operate very prejudicially to the working, of that institution. He should therefore at the proper time think it his duty to offer his strenuous opposition to that part of the Bill. As, however, he had ever been friendly to giving the ratepayers some power over the control of county matters, he should, under certain conditions, be very glad to assent to the second reading of the Bill.

MR. WHALLEY said, he could state that there was nothing short of an unanimous feeling in the Boards of Guardians with which he was acquainted in favour of having that control over the expenditure of the county which justice demanded they should have. At present there existed in the minds of the ratepayers suspicions as to the magistrates, which interfered very much with the discharge of their magisterial duties. The ratepayers suspected that in the dispensation of patronage—in the case, for instance, of the rural police—the magistrates exercised that power more for the protection of their own property than for the general good, as well as with regard to the erection of bridges and other works. As a magistrate, he knew that those suspicions were quite unfounded, but at the same time magistracy would be raised in the estimation of the ratepayers by removing the possibility of attaching such an imputation to them. It was a constitutional principle that those who paid the rates should have a control in expending those rates; and he should therefore support the second reading of the Bill.

MR. HUME said, he thought the Bill ought to have been brought forward by Her Majesty's Government. After the reforms of 1832 and 1833 were settled, he pressed the Ministry of that day to put the counties in the same position as the Reform Act had placed the boroughs—that was, to put the control of the expenditure in the hands of the ratepayers. The Government appointed a Commission, who took evidence as to the propriety and necessity of that change, and in their report the Commissioners said it was impossible not to admit that persons who contributed to the county rate should be allowed a voice in expending it, instead of the irresponsible power which now existed. On that Report, attended by copious evidence, being laid upon the table of the House, he had pressed the Government to bring in a Bill to carry out its recommendations. The Government declined to do so, but offered him assistance if he would bring in such a measure. He had, in consequence, prepared a Bill, which was introduced in 1837, but when the time came for discussing it, he and the Bill were left to their fate. After trying it a second and a third time, he had given the thing up; and now, after the lapse of fifteen years, he saw the principle acknowledged. He hoped there would now be an end of squabbling on the subject, and that the Government would take it into their own hands. He wished to see the broad principle of representation and taxation carried out, and the board elected by the whole body of ratepayers. He was against putting into the hands of the county magistrates the disposal of any portion of the general taxation of the country, having seen the waste which attended the expenditure for the maintenance of prisons and other objects under the present system. The appointment of a public prosecutor would lead to a great saving of expense as regarded prosecutions, and put an end to the extravagance arising from a system of divided powers. There were many anomalies in the present practice which ought to be done away with, and he objected to the executive Government paying a single shilling to the counties, except under strict powers of supervision and control. There was an ample field for effecting a great reform in this matter, and securing economy, responsibility, and efficiency. He advised his right hon. Friend (Mr. M. Gibson) not to run counter to the Government upon this question, but to take the admission which the noble Lord (Viscount Palmerston) had made, and to let the additional improvements suggested be added to the Bill.

MR. BUCK said, there appeared to be a great desire to assimilate the management of the county expenditure to that of boroughs; but he should regard such a change as one of the most detrimental that could be effected. He was satisfied no greater injury could be inflicted on the counties in the west of England than to transplant into them a system of management similar to that which prevailed in the boroughs, especially under the Municipal Reform Act.

MR. MILNER GIBSON said, that on the understanding that he should have the support of the Government in doing so, he would agree to alter the Bill so that it should correspond with the Bill which came out of the Committee of 1851, with the exception of the mode in which the financial board should be elected. He would therefore, after the Bill had been read a second time, ask to be allowed to commit the Bill *pro formâ*, in order to introduce those changes in it.

Bill read 2°

MAYNOOTH COLLEGE—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question [22nd February], " That this House do resolve itself into a Committee, to consider the Act 8 & 9 *Vict.* c. 25, being ' An Act to amend two Acts passed in Ireland for the better education of persons professing the Roman Catholic Religion, and for the better government of the College established at Maynooth for the education of such persons, and also an Act passed in the Parliament of the United Kingdom for amending the said two Acts,' commonly called the last Maynooth Act, with a view to the repeal of those Clauses of the said Act which provide Money Grants in any way to the said College :"—(*Mr. Spooner :*)—And which Amendment was to leave out from the word " consider " to the end of the Question, in order to add the words, " all Enactments now in force, whereby the Revenue of the State is charged in aid of any ecclesiastical or religious purposes whatsoever, with a view to the repeal of such Enactments,"—instead thereof :—(*Mr. Scholefield :*)

Question again proposed, " That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. FAGAN, as a Roman Catholic, and the representative of a large Catholic constituency in Ireland, was anxious last evening to take an early part in the debate, in reply to the statement of the hon. Member for North Warwickshire, and to say why it was he could support neither the original Motion nor the Amendment of his hon. Friend the Member for Birmingham (Mr. Scholefield). But as he had not the good fortune to have been taken by the Chair, he had now to throw himself on the indulgence of the House—as he felt he presented himself under some disadvantage—while he stated the case he was anxious to establish against both the Motion and the Amendment, and in favour of the religion he professed. He would not be tempted by the irritating topics introduced into the debate, particularly by the mover of the Resolution, to enter on the subject with any angry religious or sectarian feelings. He would endeavour to treat the question dispassionately and with forbearance. Before he proceeded to the immediate question under discussion, he would refer to a subject which he considered was irrelevantly introduced into the debate by the hon. Member (Mr. Spooner). He meant the alleged conduct of the Roman Catholic clergy at the late elections, as if that conduct, supposing it to be true, which he denied, had anything whatever to say to the endowment of Maynooth, or to the system of education adopted in that institution since 1845. He was very unwilling to attribute motives to any one unless they were patent and undeniable; but, with all due respect for the hon. Member, he could not help thinking that the introduction of this irrelevant subject was for a purpose, and with an object to keep alive in the minds of Members who were to try the merits of petitions from Ireland, alleging intimidation against the sitting Members—the exaggerated statements circulated by the press in reference to the conduct of the Catholic priesthood—in order to prejudge these cases. The Member for New Ross (Mr. Duffy) had last evening showed the House what little reliance was to be placed on the statements which were read by the Member for North Warwickshire (Mr. Spooner), some of them taken from Sir Francis Head's veracious revelations after a fortnight's visit to Ireland, and others of them, the mere inventions of the press, bitterly hostile to the people of Ireland, their religion, and their clergy. He, however, was quite ready to admit that the Catholic clergy had thrown themselves heart and soul into the contest during the last general election, from the conviction that their religion was in danger. Who was it that produced that feeling ? Why, the hon. Member himself (Mr. Spooner), sustained, cheered, and encouraged by the late Government—nay, the late Government themselves, mainly contributed to the excitement in Ireland by stirring up for election purposes the religious prejudices against Catholics existing in this country, and producing a bitterness and intolerance greater than was ever before exhibited since the time of Charles the Second. They issued the Queen's proclamation, putting down innocent religious processions, prohibiting out of doors certain æsthetic observances of the Catholic religion, and bringing forth some of the obsolete penal provisions of the Emancipation Act, in order to prevent the Catholic clergy wearing any costume designating their sacred profession. What was the consequence? Why, through the length and breadth of England the Catholic clergy were openly insulted; aye, even in the streets in the open day, and in the very presence of the police—and the whole ended in the Stockport riots, acquiesced in, nay, encouraged, by the civil authorities of the town—the churches of the Catholics were broken into and desecrated, and the most high and sacred mysteries of their religion trampled on and profaned. Was it, then, wonderful that the Catholic clergy of Ireland should have looked upon the contest as a religious struggle, and have made every effort to send men into that House who would endeavour to counteract that existing anti-Catholic feeling, and stand up for their religion and its doctrines, whenever the one was insulted, or the other impugned. Having said so much on the irrelevant topic introduced by the hon. Member for North Warwickshire, he would proceed to the matter more immediately under the consideration of the House, and would state why it was he was not prepared to accede to either the Resolution or the Amendment. He would then, in the first place, take his stand upon this patent fact: That one-fourth of Her Majesty's subjects in this United Kingdom were Roman Catholics, and of this one-fourth, some four or five years ago, 7,000,000 were the Roman Catholic population of Ireland, and even now, after that population had been more than decimated by famine and pestilence—after nearly a million of that population had left their shores to seek across the Atlantic their fortunes in some happier land—even now the Catholic population of Ireland exceeded, not 4,000,000, as stated by the Secretary of Ireland (Sir John Young), but 5,000,000. Well, this population has remained true to the religion of their forefathers, notwithstanding all the efforts of various character that were made either to coerce or to induce them to desert it. First, it was prosecution, and persecution, and penal laws; the son was set against the father, the child was refused the ordinary advantages of education, the Catholic schoolmaster was prohibited from teaching, the Catholic priest was banished from the land, and, if he were discovered in openly exercising the functions of his sacred calling, he was liable to penal transportation—the property of the Catholic was at the mercy of his Protestant neighbour—the Catholic occupier could have no tenure of the land he cultivated, the land of his birth, the land of his forefathers. In fine, as an Irish Lord Chancellor stated, the very existence of Catholics was ignored by the laws of the country. In latter days and modern times, after this persecution proved abortive, they tried to seduce the people by corrupt influences, acting upon their poverty, to desert their religion. Thank God, it was no crime against the laws of this country, as it was in Tuscany and elsewhere, for a man, if he believed the faith he professed to be the best and to lead most surely to salvation, to endeavour, legitimately, to induce others to follow his example, and to adopt his religious principles; but, at the same time, he considered it morally criminal to bring corrupt influences to bear on the distress and poverty of the people to seduce them from their faith, and to engender in the population one of the worst vices of human nature—that of hypocrisy. Well, notwithstanding all this prosecution, and persecution, and seduction, the people of Ireland remained true to the faith of their forefathers—true to that religion which they are taught to believe has descended to them in unbroken succession from the Apostles—true to that religion which is taught, by what the noble Lord the Member for London, in the debate on the Maynooth endowment in 1845, called truly "the most ancient branch of the Christian Church"—true to that religion which is professed by 200,000,000 of the human race, and by two-thirds of Christendom—true to that religion that inculcates the same divine injunctions as do the Protestants—"Peace and good will amongst all men"—"Do unto others as you would be done by"—"Love God above all things, and your neighbour as yourself"—true to that religion which gives practical effect to the evengelical counsels. Where, he would ask, but in the bosom of the Catholic Church was the evangelical counsel of "Give all thou hast to the poor; take up thy cross and follow me," faithfully carried out? Let them go to the nunneries that have been so much abused—let them go to the abodes of those high-born and religious ladies who live in communities, and who were threatened in the last Parliament with magisterial visitations—let them go to the monasteries that have been held up to the execration of the population of that country—to Mount Melleray, in Ireland, for instance, and they would find persons of rank and station abandoning wealth and society, in order, in retirement and obscurity, to carry out these gospel counsels. Ireland has been true to that religion—to the religion which the most eminent divines of the Established Church have embraced after years of study and research—abandoning station, family connexions, worldly prospects and affluence, because they believed that there they would receive spiritual peace, comfort, and enjoy the entire blessings of hope. Well, then, it was an "accomplished fact" that the national religion of Ireland, as the Duke of Wellington called it, was the Roman Catholic. What was the State and the Government to do under such circumstances? No effort of theirs of any character could change that religion. What was to be done? The State and the Government had introduced the national system of secular education, and the collegiate secular system for the middle classes. He had always supported the national system; and, amidst much obloquy, had given his countenance to the Queen's Colleges, because he believed that secular education fitted the mind for the reception of religious truth; but, at the same time, he always held that no secular education was of value—nay, that it was an evil unless sustained, supported, and accompanied by religious education. If, then, the State and the Government voted large sums for secular education, in order to make men better subjects and better citizens, how much more reason, on the same ground, was there to contribute to their religious education. It was, therefore, that he always held that if the national religion of Ireland and its clergy could, under such a system, preserve their independence of the State, and that that mutual dependence of the priesthood and the people could remain undisturbed, the State was bound to provide churches and maintain them for the benefit of the people, and glebes or manse houses for the clergy. If that were his opinion, with how much more force did that opinion bear upon the question of giving a high moral and religious education to the youth destined for the priesthood of the national Church, and thus, to use the language of the noble Lord the Member for London, to make them "better men, aye, and better Christians, too." Here he had to contend against the "voluntary principle." Now, the voluntary principle did very well in a rich country like England, where every member of the sectaries in the land could well afford to contribute munificently to support, in affluence, the clergy of his congregation. But, in a poor country like Ireland, where a large mass of the population was immersed in misery and destitution—produced by misgovernment and neglect—the thing was altogether different. Besides, its Church property was taken forcibly from the national religion. The present Lord Harrowby, when, as Lord Sandon, he sat in that House, in 1845, asked this question in the Maynooth debate: "Was not the Church property transferred from Catholic to Protestant hands, and merely by the will of England, and because England, and not Ireland, had become Protestant?" But, it was not only that the national religion was deprived of its Church property—that law prevented its being endowed from private sources—that being the state of facts, when all this policy failed, and the religion remained triumphant and progressive, what course had the Government to adopt but to give the means of education to a priesthood they could not destroy? Accordingly, it is remarkable that the first measure allowing the Catholic religion to be endowed, was the Act of the Irish Parliament, in 1795, allowing the endowment of Maynooth College. What were the reasons of state that induced this change of policy, it is not easy to ascertain. Mr. Grattan stated that it was because the people of those kingdoms were shut out from the Continent by the war, and the clerical students could not go to their "Burses" on the Continent. Others, with perhaps more reason, alleged that the Government were afraid that those who were destined to be spiritual instructors of British subjects, and to have enormous influence in Ireland, would, on the Continent, imbibe the then prevailing political opinions, which were so adverse to the interests of England; at all events, it was clearly a political move, and not one springing from any love for the national religion. The clergy did not require it; they would have been educated by the munificence of private individuals, aided by the bounty of foreign Sovereigns, as they had heretofore been, and as they would have been again if this endowment was taken away. The Member for North Warwickshire referred last evening to a letter written at the time by the Cardinal Prefect of the Propaganda, calling on the bishops and clergy to be grateful for this boon, accompanied as it was by an annual vote of 8,000*l.* a year. Well, the people and clergy were grateful; for at the time when the Catholic population did not exceed two millions, the grant was adequate for its purposes; but when the Catholics became seven millions, and were increasing in wealth, Sir Robert Peel, with great truth, said, that the annual vote had only a tendency "to discourage and paralyse private benevolence." It was then that he came down, and proposed the existing endowment of 27,000*l.* a year, out of the Consolidated Fund, in order, as he said, "to improve the system of education at Maynooth, and elevate the tone and character of the institution." The people of Ireland were sensible of the enlightened motives which induced this measure, and of the difficulties which surrounded the Government who, amidst such unprecedented opposition, carried it through; and though they thought, with Mr. O'Connell, at the time, that 70,000*l.* a year would not have been too large a restitution, still they were satisfied and quiescent after this "message of peace" was sent to them; and though they saw before them the rich Church establishment in possession of 600,000 acres of the richest land of Ireland, which once belonged to their own Church, and with an income of over half a million sterling annually, and lifting its head as a badge of degradation of the Catholic majority and of ascendancy of the Protestant minority, still they were quiescent until, at last, the Member for North Warwickshire stirred up that flame which he will find it exceedingly difficult to extinguish. Well, now, what are the objections to this endowment? He would, in the first place, take the objection on the ground of the "Voluntary Principle," because many of his friends near him were conscientiously opposed to this and all other endowments on this principle. Respecting this objection, he would suggest to them to record their opinions by supporting the Motion of his Friend the hon. Member for Birmingham (Mr. Scholefield), instead of voting for the original Resolution, which, if they supported, they might aid practically in giving an effectual blow to the educational establishment at Maynooth belonging to an unendowed and poor Church, while the rich Church Establishment would remain intact, for it is clear that the time has not yet arrived when that strong fortress can be even approached. There would not be even-handed justice in such a course. The next objection is, that the doctrines taught at Maynooth are so inconsistent with the Protestantism professed by a majority of the nation, that its support is not to be justified. Well, the same argument would tell equally well against the Roman Catholic Establishments in Canada, in Australia, in Malta—the colleges for Hindoos and Mahomedans in India, and the protection given the Budhist faith at Ceylon. After all, hon. Members should recollect that, putting some dogmatic teaching aside, the moral and leading truths inculcated, by both religions, are the same; and as the Catholics contribute their share to the taxation, their religious institutions are as fully entitled to be maintained by the whole community. The next objection is, that the Catholic religion is antagonistic to the Church Establishment, and ought not to be thus encouraged. Well, it is true that the two Churches are antagonistic, but still they are Christian Churches, and this very antagonism and collision leads to the development of truth, and a strict and rigid observance of Christian practices by the professors of both religions. The next objection is the most painful of all. It is, that immorality and disloyalty are taught at Maynooth. Now, the Member for North Warwickshire professed to instruct the House in this branch of the inquiry, and he stated that he had read the works of the writers to whom he alluded and libelled. Now, he (Mr. Fagan) felt convinced, from the statements made by the hon. Member, that he never read that most valuable report of a Royal Commission empowered to examine in 1827 into the system of education at Maynooth; for, if he had, he would have seen all his statements answered and overthrown in every line of that, one of the most remarkable volumes in the library of that House. The hon. Member referred to some doctrines taught by Bellarmine and St. Thomas Aquinas. Now he (Mr. Fagan) as a Roman Catholic, repudiated those doctrines. Roman Catholics were not bound to believe as of faith everything written or said by any divine of their Church, however eminent, pious, or enthusiastic. What the Universal Church teaches, as a matter of faith, that they believe, and the Catholic Church never taught the doctrines alluded to by the hon. Member. He talked of ultramontane doctrines. Why, in the Catholic Church there are no doctrines, as of faith, that are not acquiesced in by the whole Church after being submitted for its decision from the Chair of Peter, and therefore, though some writers and doctors may hold ultramontane doctrines as regards the Pope's infallibility, and others may hold the Gallican doctrines on the same subject, which, by the way, are those taught at Maynooth, from the works of De la Hogue and Bossuet, no Catholic is bound to either, for the Church has not accepted, as of faith, one or the other. The next objection is, that those works of Bellarmine and Thomas Aquinas are class books at Maynooth, notwithstanding the particular doctrines to which allusion has been made—as if these eminent doctors, who are great lights of the Church, were to be shut out from the student's perusal, because of a few objectionable passages. He would read to the House a question put on this subject in 1827, by one of the Royal Commissioners to the Professor of Moral Theology at Maynooth, and his answer, as it illustrates the observations he had just made. The Commissioner says—

> "We beg you will understand that the object of this question, and of any similar ones that may be put, is merely to suggest to your mind that M. Bailly has not rejected all the doctrines that it would be desirable that he had done in the construction of his work, and certainly not for the purpose of imputing to any living Roman Catholic anything objectionable that it contains."

Answer:—

> "As I was observing just now, although a work may contain many things which I should condemn, yet if it has any particular question better treated of than I can find it anywhere else, I should not reject it altogether because the work itself contains exceptionable passages; but I should make use of what is good in it, and reject what is exceptionable."

The next charge is that the Roman Catholics have no regard for the sanction of an oath—as if they have not amply shown that regard by centuries of exclusion from the benefits of the constitution and from the walls of Parliament, because of their scrupulous adherence to that sanction which they consider to be a law of nature. The Professor of Theology at Maynooth makes this observation:—

> "In every moral treatise I have seen, written by Catholic divines, they consider the obligation of oaths and promises, in themselves lawful and not contrary to the law of God, as having their sanction from the law of nature antecedently to the Christian or any other revelation."

Mr. Fagan

But it is said that the Catholic Church claims a power of dispensing with oaths—so does the Established Church, as may be seen in Paley's *Moral Theology.* The Catholic Church treats that when an oath or promise is made under coercion, or is unlawful, or impossible of being kept, or has been obtained by fraud, or been made under error; or where the intention of the person taking the oath is tacitly limited by the law or custom of the country, and yet if kept would transgress that law, or be contrary to that custom—such oaths might be dispensed with. Paley holds nearly the same doctrines, and every one of these grounds of excusing any oath are most admirably set forth, explained, and illustrated in the evidence before the Royal Commission. Archbishop M'Hale, who was a Professor of Moral Theology at Maynooth, in a short sentence explains the case. He says—

> "Every duty springs from God, and as God cannot contradict himself by requiring incompatible duties, the Church only interprets the Divine will while it releases him from the obligation of his oath."

But the hon. Member (Mr. Spooner), not content with charging the Roman Catholics with doctrines which they repudiate as not the teaching of the Church, further charges them with being enemies of civil and religious liberty, because, forsooth, the *Rambler* newspaper chooses to put forth opinions of the most intolerant character. Was there ever so gross an injustice? Let the Roman Catholics be judged by their acts. How have they conducted themselves since they entered that House? Have they not always ranged themselves at the side of civil and religious liberty, and of human progress? Have they not always fought for the extension of parliamentary and municipal franchises? Where will they be found to-morrow on the division for admitting Jews into that House, and at what side will the hon. Member (Mr. Spooner) be found? And they, the Roman Catholics, acting always at the side of human progress, are to be denounced as enemies of civil liberty, because the *Rambler* newspaper gives expression to absurd opinions on the subject? The hon. Member then attacked the Sacrament of Penance in the

Catholic Church, and spoke of the secrecy of the Confessional. Well, all he (Mr. Fagan) would say on that subject was, that even supposing that sacrament to be a mere human institution, instead of being, as it is, of Divine origin, it has proved the wholesome check to human failings, and though, of course, considering that it has existed eighteen hundred years, and has been administered to thousands of millions of the human race, it must have been occasionally abused both by priest and penitent, still it has done much for human nature and the Christian religion. If, then, the secrecy of the Confessional was in a single instance and for any purpose violated, that most admirable institution would at once fall to the ground; and nothing so much proves its Divine origin as the fact that in no one instance has that secrecy been ever violated. The order of Jesuits, again, is the constant subject of attack in discussing the Catholic religion. Well, he (Mr. Fagan) had only to state his conviction, after considerable study of the subject, that those attacks are without foundation. He would be content to rely upon the testimony of the historian Ranke, a Protestant writer, to establish a case for the Jesuits. Why is it that for two centuries they have been the constant theme of vituperation on the part of Protestant writers? Because the Jesuits were the order in the Catholic Church that succeeded in repelling the advances of the so-called Reformation, and once again establishing Catholicity throughout the greater part of Europe. This, Ranke admits, and this is the reason the order is so unceasingly maligned. Why is it the Jesuits were disliked by the European sovereigns? Because they were always at the side of the people, and were the first who taught the political doctrine that the people were "the true source of legitimate power." Those Catholic sovereigns in Spain, Portugal, and France had influence with the Sovereign Pontiff, and hence the suppression of the order; but it is well known that that Pontiff afterwards bitterly repented that act of suppression. The last topic of insult to which he would refer is respecting the class from which the Catholic clergy of Ireland is taken. Well, he admitted freely that they belonged, and were proud to belong, to the people—and so were the Apostles. It was the class our Saviour chose to belong to, and to mix with. It is because they belong to the people, and are of the people, that they have succeeded amidst so many difficulties to keep alive the spirit of religion amongst them. It is because they are of the people that they are their best spiritual and temporal friends, and are always with them, protecting their temporal interests, and teaching them unceasingly the truths of religion and the duties of social life. The proudest feather in their cap is that they belong to the people. He would now conclude. In defence of his religion he had been obliged to trespass at unusual length on the attention of the House. He regretted the necessity. He regretted the introduction of such angry topics. He was for peace and union amongst all Her Majesty's subjects of every religion, and he had arrived at a time of life when agitation was not agreeable. But he warned the House that, if the Motion were carried, there would arise in Ireland a storm that would shake the Established Church to its foundations. All he hoped was, that the House would negative the Motion by such an overwhelming majority that, as in the case of Protection, it would be for ever crushed and buried amidst the other ruins of intolerance and monopoly.

MR. A. MILLS was not inclined to follow the course which the hon. Gentleman who had just sat down thought proper to pursue. He certainly was not in the counsels of the hon. Member for North Warwickshire, and therefore he was unable to speak of the reasons which induced that hon. Gentleman to bring forward his Motion. This, however, he would say, that if they were those alleged by the hon. Member for Cork (Mr. Fagan), that he should not have his (Mr. Mills') support; for he could conceive no more unworthy, no more unbecoming, motives than those which had their origin in religious rancour; and in order to show that he did not participate in any such feelings, and that he entirely disclaimed being influenced by them, he wished to address a few words to the House, while he gave his reasons for supporting the Motion of the hon. Member for North Warwickshire. It was not only because he believed the doctrines of the Roman Catholic Church to be theologically false, though he did profoundly entertain that conviction, but because he was thoroughly convinced of the pernicious effects of the Roman Catholic system. He believed it to be a system practically mischievous—to be one which had tended to wither and degrade to a state of moral, social, and financial bankruptcy, every community which had adopted it—therefore he was opposed to the endowment of an institution the object of which was to give permanency to such a system. He was opposed to the grant because he had himself witnessed in America, in various parts of Europe, as well as in Ireland, the ruinous consequences of the Roman Catholic system, morally, socially, and economically, to the community that adopted it. It was not for him or for the House to enter into the question of the doctrinal differences between the Protestant and Roman Catholic Churches. It was not a question who was right and who was wrong—let it be supposed, for the sake of argument, that the Roman Catholic religion was the nearest to the truth. But if he proved that that religion was practically mischievous—if he found that it undermined the principle of individual responsibility—he never could consent to endow an institution out of the funds of the State, which in his conscience he believed to be prejudicial to the well-being of the kingdom. Now, though he was most unwilling to trespass at length upon the attention of the House, still he could not avoid making a momentary reference to what had fallen from the hon. Member for Cork on the subject of the report of the Commission of 1827. It struck him (Mr. Mills) that that hon. Gentleman might also have drawn attention as well to the report of 1851 from the Visiting Committee. Having lately himself perused that report, he was able to say that the Visitors informed the House that they found everything there, including the dietary of the professors and students, in a most satisfactory state. Nevertheless, he must confess that the report was anything but satisfactory to him (Mr. Mills), whatever it might be to the Visitors. Neither did he believe that it would meet the requirements of the great constituencies of England, who had a right to demand how the large sums of money which were annually voted to the College of Maynooth were expended. The Universities of Oxford and Cambridge had practically a visitatorial power exercised over them. Lately a Commission of Inquiry had been issued to inquire into the state of those Universities; and the public had a right to look for some definite information with respect to the system of education pursued at Maynooth. He did not think that the report before the House was either as full or as satisfactory as the Protestants of England had a right to expect. But he (Mr. Mills) was not so presumptuous as to suppose that any importance would attach to sentiments which rested only on his own authority. He would take the liberty of quoting to the House certain opinions which proceeded neither from Exeter Hall nor from the Protestant Alliance; but it was the language of a right hon. Gentleman a Member of Her Majesty's Government. They were not ill-considered words, hastily pressed forward during the heat of debate; but they were solemn words, appearing in a book which was much noticed, and in which very great talent was evidenced. The work which he alluded to was, *The State in its Relations to the Church.* Here were the words:—

> "The support of the College of Maynooth was originally undertaken by the Protestant Parliament of Ireland, in the anticipation, which has since proved miserably fallacious, that a more loyal class of priests would be produced by a home education than by a foreign one, and that a gradual mitigation in the features of Irish Romanism would be produced when her ministers were no longer familiarised with its condition in continental countries where it remains the religion of the State. Instead of which, it has been found that the facility of education at home has opened the priesthood to a lower and less cultivated class, and one more liable to the influence of secondary motives. It can hardly be denied that this is a well-merited disappointment. If the State gives anything of pecuniary support, it should, in consistency, give everything; unless it is bound in conscience to maintain the national church as God's appointed vehicle of religious truth, it should adopt as its rule the numbers and the needs of the several classes of religionists, and in either respect the claim of the Roman Catholics is infinitely the strongest. In amount this grant is niggardly and unworthy; in principle it is wholly vicious, and it will be a thorn in the side of the state of these countries so long as it is continued. When foreigners express their astonishment at finding that we support in Ireland the Church of a small minority, we may tell them that we support it on the high ground of conscientious necessity for its truth; but how should we blush at the same time to support an institution, whose avowed and legitimate purpose it is constantly to denounce that truth as falsehood? If, indeed, our faith be pledged to the college, by all means let us acquit ourselves of the obligation; but it is monstrous that we should be the voluntary feeders of an establishment which exhibits at once our jealous parsimony, our lax principles, and our erroneous calculations."

Such was the language once used by a right hon. Gentleman, now Chancellor of the Exchequer (Mr. Gladstone). Last night the hon. Gentleman the Secretary for Ireland (Sir J. Young) informed the House that Maynooth had been established in order that the Irish ecclesiastical students might not imbibe Ultramontane opinions, and that

Sir Robert Peel had experienced as much gratitude from the people of Ireland for his endowment of that college as he had expected. He (Mr. Mills) did not know what was the exact amount of gratitude which that lamented statesman looked forward to receive from the people of Ireland; but this he knew, that he anticipated that after the passing of his measure of endowment, the education of the priesthood of Ireland would be conducted in a spirit less alien to the institutions of this country. He concurred in the statement that the opinions taught at Maynooth, and the system propagated through the instrumentality of that teaching, were such as those who supported the Act of endowment did not expect. As the right hon. Gentleman the Chancellor of the Exchequer expressed it, they were miserably disappointed in the results. He would only make a remark in reference to one point which he thought was not sufficiently dwelt upon. They had heard a great deal about religious equality. He considered that this endowment was one not based upon the principle of religious equality. It was a special gift to one class in preference to others. He would express this position in a few lines, extracted from an able address presented to the candidates for the City of London, previous to the last July election, by an influential body of the electors for the City:—

> "The endowment of Maynooth is a peculiar favour granted to one religious sect, while it is denied to all others; and granted to that sect only which is regarded by all others with well-grounded apprehension. The churchman, if he desires to educate his son for the ministry, sends him to a university at his own cost. The Dissenter or Wesleyan, proposing to devote a son to the service of God, places him in a college maintained by private funds. The Romanist only has the education of his son undertaken by the State—a preference which is not only unjust, but regarded by Protestants with alarm, when it is remembered that the body thus distinguished is the only sect which inculcates and practises direct idolatry."

He did not mean to designate the members of the Roman Catholic Church as idolaters: he only meant to say that many members of the Protestant faith considered them to be such, and they felt that they had a right to be consulted as to the manner in which this money was appropriated.

Mr. J. BALL said, the more he heard the more he was convinced that that House was not the proper place for theological or casuistical discussion. If there existed in any Member's mind a persuasion that the teaching at the College of Maynooth was such as to endanger the safety of the State, or to injure the morals of the people, he would ask him to turn to a volume in the library, which had not emanated from the Visitors, but from a Royal Commission, by whom the professors of the college were examined in the most searching manner; by whom, also, the contents of the text-books had been examined, and who had laid before the House and the country the result of their inquiries—he meant "The Report of the Royal Commission of 1827." The result of the inquiries of these Gentlemen was a satisfactory contradiction to the allegations so perseveringly made against the system of education pursued at Maynooth. The College of Maynooth with respect to morality and theological teaching was now the same as it was at the period of that inquiry; and so far from shrinking from inquiry, that college challenged the most ample investigation. He begged to ask whether the Standing Orders of the House did not prohibit the use of language which was deeply offensive to the feelings of a large number of the Members of that House? If they did not prohibit it, the time might come when they should be revised and amended, so that language should not be used that was offensive to many Members of the House. He trusted, however, that the tone adopted by the hon. Member for North Warwickshire, would not be imitated by other Members who might follow him in the debate. The chief object with which he had risen was to appear in the character of a witness, and to entreat of those who following the hon. Member intended to vote, not for inquiry, but for the abrogation of this grant, to consider well what they were about. He was acquainted with the feelings of individuals in many parts of Ireland, and he warned the House that the tendencies exhibited by this Motion, and that expressions of opinion couched in the language they had heard on the preceding night, were most materially calculated to assist those who desired to spread in Ireland feelings of disaffection to British institutions. A very misguided man — not long ago a Member of that House—was now expiating in a penal colony his attempt to excite disaffection on the part of the Irish people against the institutions of the country; and he asked any person who knew anything of Ireland if that gentleman had done half as much to excite disaffection as those who adopted the course that had been taken on this occasion by the hon. Gentleman the

Member for North Warwickshire? He hoped before the discussion closed they should hear from some one of its Members the sentiments of the late Government, who, during the general election, had profited very largely by the cry raised by the hon. Member for North Warwickshire. At the beginning of the last Session the hon. Member had put down in the notice-book, with sybilline brevity, "Maynooth Grant," without any intimation as to his future proceedings; and subsequently he deemed it more prudent to move merely for an inquiry—but he had thought proper to adopt a different mode of proceeding on the present occasion. He (Mr. J. Ball) would now allude to a topic which had been referred to by the hon. Gentleman who had last addressed the House, and he was the more desirous to do so, because the right hon. Gentleman the Chancellor of the Exchequer, to whom he had referred, was not present. It was only necessary to appeal to the generous feelings of the House to obtain its attention, while he reminded them that that right hon. Gentleman, with a refined, and, as many thought, an exaggerated sense of honour, had atoned for his change of opinion as to anything that he thought erroneous in the passage read by the hon. Member, by the abdication of high office, not because he still retained those opinions, and was unable to carry them out in office, but simply to preserve his personal honour perfectly pure and untainted by the slightest appearance of being influenced by personal considerations in the vote which he gave in 1845. Circumstances had led him (Mr. J. Ball) to travel through a remote part of Ireland about the time the measure was introduced by Sir Robert Peel in 1845. He happened to fall into company he had not seen before, and which included many Roman Catholic priests. He had heard their free and unchecked expression of opinion, and he was struck by an observation that was made by one clergyman, who said they now, for the first time, understood the meaning of the term paternal Government; hitherto, he said, the friendly measures for which they were called upon to be thankful, merely extended to the relaxation of severity, the mitigation of a penal Act, or the removal of something that was grossly unjust, but that then, for the first time, a measure had been proposed by the British Government which appeared to be dictated solely by just and friendly motives, not reluctantly forced from it by political considerations, but influenced solely by a regard for the welfare and just claims of the majority of the Irish people. He (Mr. Ball) did not think it natural or reasonable that the feelings of a people towards its governors should permanently be influenced by gratitude for a solitary act of legislation; but it was a mistake to suppose that deep gratitude was not felt for that measure, or that deep gratitude would not be felt if they followed up in the same spirit that system of legislation.

Lord LOVAINE: Sir, I am unwilling to give a silent vote on the present occasion, because I know the interest which this question excites in the public mind, and the more so, as I am sorry to say, that I am unable to vote for the Motion of the hon. Member for North Warwickshire (Mr. Spooner), which goes to the immediate abrogation of the grant to the College of Maynooth—a course which I cannot think consistent with the honour and good faith of the Legislature. I need not have occupied the attention of the House further if it had not been for certain expressions which fell from the right hon. the Secretary for Ireland, in which he seemed to assert that all the violence, the bloodshed, and the tumult which occurred during the late elections in Ireland were to be laid to the charge of those gentlemen who ventured into a contest, without what he chooses to think sufficient chances of success. It seems, Sir, that he considers that every candidate for an Irish borough or an Irish county must have the *exequator* of the priest before he ventures to come forward. I dare say that this is very agreeable to those Gentlemen who have received that *exequator*, and are now by virtue of it sitting as Members of the Legislature; but I protest against such a doctrine as a gross infringement of the rights of Irish electors and Irish candidates. Further, when the right hon. Secretary detailed the evils, to guard against which the College of Maynooth was founded, the dangers of Ultramontanism, of foreign influence and intrigue, of disaffection to the Government of this country, I declare that for a moment I thought he was describing the actual state of Ireland. Sir, it is my firm belief that the College of Maynooth has been in every respect an utter and complete failure; but it must be recollected that the grant to the College has now existed for half a century; that it has been voted by successive Parliaments during that time; and that within the last few years it has been solemnly ratified by the Crown and Legislature of the Kingdom; and therefore I must repeat that the withdrawal of the grant would be injurious to the good faith and dignity of the Legislature, without a fair, full, and searching investigation into all matters connected with the College of Maynooth; and I must therefore with great regret refuse my support to the hon. Member for North Warwickshire.

MR. FORTESCUE said, he was glad to find that the hon. Member for North Warwickshire had not taken the same course as that of last year, by moving for inquiry, because to men holding such opinions as the hon. Member, such an inquiry as he had then sought for would be useless. It was far better that he and his Friends should propose at once the extinction of the grant. If they had an inquiry, he believed that the result of the investigation would merely show that the College had followed the same system of education since 1845, which it had acted upon for years before. Beyond that he believed the Committee would afford no new evidence upon which they could found a Motion for the abrogation of the grant. He was glad to find that the hon. Member had repented of his moderation and liberality of last year, and had founded his present Motion upon the old, antiquated, familiar ground of religious intolerance. They knew all those arguments well; but he must say he had never heard them put forward more broadly and unmistakeably than last night by the hon. Member. He could not help wishing, as he listened, for something like a statute of limitations applied to their discussions, which, after a certain lapse of years, might bar the arguments of Lord George Gordon and the No-Popery men of 1780. Yet he was not sorry that the hon. Member had exhibited his proposal in all its naked deformity, because he felt it would be so repulsive to the House as to ensure its rejection. He had no fear then for the result of the vote upon the present occasion. Yet he could not refrain from expressing his regret at the state in which the question now stood, and the attitude in which the friends of religious equality now found themselves placed. It appeared as if a great gulf separated them from the year 1845; for what was the state of things in Ireland in 1845, compared with former years? After many failures which this great cause had undergone for the last half century—after its break-down in 1801 under the master hand of Mr. Pitt, and again in later years under the powerful Ministry of Earl Grey, the time did seem to come in 1845 when a settlement of this great question was approaching. Who could forget the great debates of 1845? Who could forget the speech of the late Sir Robert Peel on that occasion?—a speech which, as an hon. Friend of his had told them, was read with gratitude by poor Irishmen in the wilds of Connaught? Who either could forget the language of the noble Lord the Member for the City of London, and the leaders of the Liberal party of that day? On that occasion Earl Grey, and others, told the House that they did not receive the increased grant to the College of Maynooth as a final settlement of this great question, and they thought that the establishment of religious equality in Ireland could not be long deferred. But he could not forget the lamentable events that separated us from the year 1845. There was first the insurrectionary movement in Ireland, when the genius and ardour of young Irishmen like Meagher and Davis were worse than wasted in the vain pursuit of separate nationality. Who could forget the famine that followed those events, and the destruction of a large portion of the population? Then came that ecclesiastical movement which was called the Papal aggression. He had always deplored that movement. He condemned the legislation which followed it, believing that the rude hand of the State only made matters worse; but there could be no doubt that it had provoked a reaction in this country which made the settlement of the ecclesiastical question in Ireland more difficult and distant than ever. These lamentable occurrences had intervened, and the question was now in a different position from what it was in 1845. He did not, under these circumstances, blame the Government for not undertaking at this moment the task of remodelling the ecclesiastical establishment of Ireland. He did not expect impossibilities from Government, nor did he think it was the duty of any Irish Liberal to put himself in hostility to them. It was his belief that the noble Lord and the Government were ready, as far as it was possible, to govern Ireland on the principle of equality, as between classes and creeds; and he was confirmed in that opinion by the speech which had been delivered by the right hon. Gentleman the Secretary for Ireland (Sir John Young). He thought that speech gave such a direct, honest, unequivocal negative to the Motion of the hon. Member for North Warwickshire, and at the same time was couched in such friendly terms towards the Roman Catholics, that the right hon. Gentleman deserved their best thanks. But all Liberal statesmen and politicians should remember the enormous difficulties that any Government had to encounter in carrying out the principle of religious equality in Ireland, and the greatest of these lay in the honest but unhappy prejudices of the people of England and Scotland. It was their duty, at all events, not to appeal to those prejudices, or aggravate them for party purposes. He hoped they would have no more Ecclesiastical Titles Bills, or no more legislation tending to confirm the prejudices of Protestants against Roman Catholics. He felt, for his part, the difficulty of governing a Catholic country through a Protestant Parliament No one respected more than he did the Protestant feeling of the people of this country; he should be sorry to see it lessened or lowered within its proper sphere. But let it not be blindly brought to bear upon the Roman Catholics of Ireland. Let Englishmen and Scotchmen reflect sometimes how Ireland, if Ireland were an independent country, would be likely to settle her Church question, and how they would feel themselves, if they were in the position of the Roman Catholics there. Religious zeal and Protestant zeal might be a good thing; but a sense of justice was better. He was himself a Protestant, but he could distinguish between the Protestantism of the heart and the Protestantism of the benches opposite—he could distinguish between the personal religion which animated the man, and that party religion which dictated the vote. The fool of party religion would oftentimes rush in where the angel of personal religion would fear to tread. He called upon all good Protestants to reject the Motion of the hon. Member for North Warwickshire, and to join in promoting the great cause of religious equality.

Lord STANLEY: Sir, I can promise the House that I will not enter on any of those extraneous topics to which hon. Gentlemen who have preceded me have adverted, and into which we are generally drawn by a discussion on the subject of Maynooth. I think there exists, on both sides the House, a very general desire that this debate should be concluded today; and, if possible, that, being concluded, it should not again be resumed. In that desire I concur—not only on account of the state of the public business, always pressing at this time of the year—not merely because, in the course of repeated discussions, all that is really original and valuable, whether in the way of opinion, of argument, or of fact, has long since been elicited, leaving behind little except matter for theological disputes and mutual recrimination—but because every day and hour that this question remains open—the opinion of the House not expressed, its decision not anticipated with certainty, for though we may predict with some confidence what that decision will be, yet it is impossible that out of doors any similar confidence of expectation should prevail—tends to embitter the animosity with which this question is unhappily regarded in Ireland, and to keep open that sore which it was the object of the settlement of 1845 to heal and to close up for ever. And feeling thus, I should not have risen were it not that it seemed undesirable that this debate should close without an expression of opinion from any single Member of the late Government. And in stating the reasons for which I find it impossible to support the Motion of my hon. Friend the Member for North Warwickshire, I must in the first place briefly glance at the circumstances under which this grant originated. I must ask the House to recollect when, where, and with whom it had its origin. It was first made at a time when questions of religious difference were not dealt with in the comparatively calm and temperate spirit which characterises the present day; at a time when the penal laws were still unrepealed, when Protestant ascendancy was the watchword of a powerful party in the State, and when Protestantism was too often synonymous with intolerance. Neither did it originate with a Roman Catholic Legislature, representing a Roman Catholic country, but with the exclusively Protestant Parliament of Ireland, an assembly in which no Roman Catholic could so much as take his seat. It originated in Ireland—then, at least, distinguished beyond all other countries of Europe for the height to which religious intolerance was carried—and it originated on the spot, in a Legislature whose local knowledge peculiarly qualified its Members to judge as to the manner in which the money granted was likely to be applied. Trace the history of the Maynooth endowment, and you find it at once adopted and sanctioned by the Imperial Parliament; adopted, moreover, if I mistake not, without opposition from any quarter. Not only was it continued by the Parliament of this country, but within a few years' time it was actually increased from 8,000*l.* to 13,000*l.*; and though the latter sum was only voted for a single year —1808—yet from that time forth, down to 1845, the annual grant was continued at 9,000*l.*, being 1,000*l.* more than the sum originally voted; and this, be it remembered, was done in the very days to which we are accustomed to look back as those during which the Government of this country was carried on, on principles the least tolerant, and, in a political sense, the most exclusively Protestant. I mention the fact of that slight increase, trifling though it appears, because it seems to prove, indisputably, that in dealing with this grant the Legislature did not act in the spirit of a party tied down to the strict and literal performance of a contract—did not content itself with merely acting up to the letter of the arrangement it had entered into—but showed itself willing to go beyond what it had promised, and to deal with the whole question in a large and generous spirit. It has been sometimes objected that during the greater part of the last half century—from 1801 to 1845 —the grant was merely an annual one, and its renewal beyond the period of a year in no way guaranteed by Parliament. That is certainly the case; but it makes my argument stronger. If, at the time of the Union, or soon after, the grant had been placed at once on the footing on which it was afterwards placed by Sir Robert Peel's measure in 1845, I could very well understand how it might be said, that whether the endowment of Maynooth were an act in itself right or wrong, politic or impolitic, it was the work of only a single Parliament and a single Ministry; and that, though subsequent Parliaments and Cabinets had not chosen to repeal the grant, they had been actuated, in abstaining from so doing, not by any approval of what their predecessors had done, but solely by a desire to maintain inviolate the public faith. I can understand, in such a case as I have supposed, how that language might have been held; but with regard to an annual grant, voted for one year only, and regularly renewed, from 1801 to 1845, without the interruption of a single year, it seems impossible to deny that we have a distinct approval of the principle on which it was originally framed, repeated, and confirmed by every Minister and every Parliament, without exception, before whom this question came during a period of forty-four years. I come now to the measure of 1845. What was the object which Sir Robert Peel proposed to himself when dealing with the question in 1845? Evidently it was this: Sir Robert Peel, in his proposal to place the endowment of Maynooth on a new footing, was influenced by an apprehension, that—although no ill consequences had actually arisen from the yearly renewal of the grant by Parliament—still that such consequences might arise, and that, to guard against them, it was desirable to remove this question from the list of those questions that were open to annual discussion in Parliament, by placing Maynooth College in a position of permanent independence. There can be no doubt but that was the view taken by Sir Robert Peel: there can be no doubt but that he regarded the Act of 1845 as a permanent settlement, and that by Parliament generally it was regarded in the same light. As such it was proposed, as such it was debated and opposed, and, as such, it was finally carried through both Houses. What, therefore, I want to impress on the minds of my hon. Friends is this, that, however much they may desire it, they cannot now replace this question on the footing on which it stood previous to 1845. There is certainly one case, but one only, in which the settlement of 1845 ceases to be binding; and that is, if you assume that in the eight years which have elapsed since 1845, circumstances have altered in so great a degree relatively to the College of Maynooth, that the Maynooth of 1853 cannot be considered as identical with the Maynooth of 1845, to which the endowment was granted. On any other assumption, it appears to me that the Act of 1845 is binding, and, indeed, irreversible. I believe I do not stand alone in this view: I believe there are many hon. Members in this House who will not consent to a repeal of the grant now, although they voted against it in 1845, because they feel that Parliament stands pledged to its maintenance. I may be told, undoubtedly, that there are other Members who take the converse view of this question, and who, though supporters of the grant in 1845, are now prepared to oppose it. They do not consider that Parliament is pledged to its continuance; they regard the grant as having been originally made in the nature of an experiment: they think that as an experiment it has failed, and therefore desire that it should be discontinued. Well, that is a clear, consistent, intelligible view: but, in order to entertain it you must first assume, not merely that the grant was not guaranteed as permanent, but also that it was granted conditionally. Now, I am unable to find any condition expressed or implied, either in the speech of Sir Robert Peel when introducing the measure, or in any other speech delivered on the subject in either House of Parliament. On the contrary, it seems clear that the intention of the Legislature in 1845 was, first, that the grant should be unconditional; and, secondly, that it should be permanent. I now come to the Amendment on the original Motion, proposed by the hon. Member for Birmingham, in which the House is asked to express a general approval of the voluntary principle. I shall not enter upon any inquiry into the abstract merits of the voluntary principle. I believe that it is impossible to lay down a principle in such matters which shall be applicable to all times and to all societies. I believe that there are certain circumstances, and certain conditions of society, in which the voluntary principle would be not only the best, but practically the only one, on which it would be possible to legislate. If, for example, we were legislating for a new country, founding a new society, no doubt it would be the wisest plan to place the government of such a country in a position of neutrality as regards all religions, leaving each to maintain itself, and giving to none an endowment out of public funds. But how is that principle to be applied to the state of things now existing in England? What is meant by the hon. Member asking us to assent to a declaration that no public funds shall be applied to any religious purpose? Is that declaration to apply to every kind of endowment? Is it intended to be retrospective, or prospective only? Is it intended to apply only to votes annually granted, or to grants for a longer period? or does it proceed on the assumption that all ecclesiastical property is the property of the State; and does it mean that all endowments, whether in the shape of land or money, now devoted to religious purposes, shall be resumed by the State? In the latter case, the proposition which we are called upon to consider thus incidentally, involves the secularisation of the whole ecclesiastical property of the country. Now I do not think that it is a question on which it would be wise or convenient to enter, when it is brought forward merely by way of supplement to another debate. It is far too wide, far too general, far too important, for any such incidental discussion. But if it be intended to leave untouched the great bulk of ecclesiastical property, and repeal only such grants as are either voted annually, or derived directly from the State, then I must say that such an application of the voluntary principle seems partial and unfair; because, in the majority of cases, the object of such grants is to place the members of other sects in a position less unfavourable, when compared to the position of the Established Church, than that which they would otherwise occupy. With regard to the propriety of instituting an inquiry into the education given at Maynooth, I certainly should not have opposed my hon. Friend if he had limited his Motion, as he did last year, to a demand for inquiry; for I cannot conceive that Parliament should not have the right of ascertaining in what way money voted by it has been expended, and whether that money has been appropriated to the purposes for which it was voted. The acceptance by any religious body, of endowment from the State, implies its willingness to submit in return to a certain degree of supervision and control: and since Government has taken upon itself to inquire into the condition of the English Universities, I cannot imagine that any other religious or educational body, receiving public money, can be entitled to claim exemption from inquiry as a matter of right. It has been stated that the Maynooth grant is abused. That may or may not be the case: it is only by an inquiry that the truth can be ascertained; but if, as the result of such inquiry, it be proved that the education given at Maynooth is not all that it ought to be, still it should be distinctly understood, and laid down as a principle, that be the existing abuses what they may, you are not on that account to repeal the grant, although you may take measures to secure its not being abused. That is one of the two provisions which seem necessary, in order to render the inquiry a fair one; and the other is, that the inquiry should be conducted, at least in part, by members of the Roman Catholic religion. If an inquiry be proposed on the above terms, I think hon. Gentlemen who are interested in Ireland, and especially who are interested in Maynooth, will be acting unwisely if they resist the proposition. They at least will not deny that there prevails in this country some degree of prejudice against the institution which they support; and to destroy that prejudice, and convert animosity into friendly feeling, only one means will be effected. Let them show that they do not fear, but rather court, publicity: that they have nothing to conceal, nothing to be ashamed of; and they may rely upon it, if they take that course, that though the public of England may not be free from prejudices, still that the spirit of fair play will in the end prevail, and impartial justice will be done. With regard to the present Motion, I, for one, must oppose it: I believe that it will be rejected by a large majority of this House; and rejoicing, as I do, to think that there is no danger of the settlement of 1845 being disturbed, I rejoice the more on this account, that I believe there can be no security for the Established Protestant Church of Ireland, unless you deal in a fair and liberal spirit with the claims of the Irish Roman Catholic population.

MR. LUCAS said, as there was a general wish among hon. Members at once to divide, he was unwilling to intrude himself on the notice of the House; but he was equally unwilling to allow this question to go to a division without expressing his views in reference to it. His opinion was decidedly against both the Amendment and the original Resolution. The original Resolution was one which no man entertaining the opinions which he entertained could for a moment support; and he considered the Amendment as one which was equally objectionable to every Gentleman who entertained opinions similar to his own on this subject. He regarded, indeed, the Amendment as the original Resolution under a different shape. He had nothing whatever to complain of in the speech of the hon. Member for Birmingham (Mr. Scholefield); it was extremely liberal, fair, and candid; but it was impossible for him (Mr. Lucas), or hon. Members who acted with him in that House, to conceal from themselves the fact that the Amendment moved by the hon. Member was one, a great part of the support of which would be dictated by the same feelings of religious bigotry and opposition to Catholicity as those which animated the supporters of the hon. Member for North Warwickshire (Mr. Spooner). ["Oh, oh!"] Hon. Gentlemen might cry "Oh, oh!" but it was impossible to deny that that was a fact. It was impossible for any one who had paid attention to the elections which followed on the recent dissolution of Parliament to misunderstand this fact, that the liberal constituencies in the boroughs and large cities and towns in England were just as much opposed to there being fair play towards Catholicity, just as much hostile to the Catholic Church and faith, and just as much determined to refuse justice to the Catholics of Ireland and Great Britain, as those constituencies which supported the views of the hon. Member for North Warwickshire; and the fact was, that the scope and purpose of the Amendment was to avoid, under a plausible but delusive appearance, giving full and open expression to that feeling of bigotry. He had been taking a little pains to look through that interesting register of Parliamentary opinions, *Dod's Parliamentary Companion*, and by some accident he had stumbled upon the name of Mr. Kinnaird, the hon. Member for Perth, and in reference to that hon. Member he read "a Liberal; opposed to the Maynooth grant." He was in hopes that the hon. and Liberal Member for Perth, whom they had heard deliver himself with so much emphasis the other night on a foreign question of religious freedom, would have delivered himself with equal emphasis on the present occasion, and would have favoured the House with his opinions on domestic religious freedom, and would have shown that he was not a gentleman who would raise a great outcry in favour of those who did not immediately concern or call for the attention of that House, while at the same time he had nothing to say to his fellow-citizens at home. But he (Mr. Lucas) took that hon. Member as an example of a very considerable class of Members on the opposite side of the House, whose votes were to be caught by the Amendment of the hon. Member for Birmingham. He would point out very briefly in what way he thought the Amendment objectionable. An appeal had been made to him and the other Catholic Members to the effect that the Catholics ought to be too proud to accept this beggarly grant, as it was called, of 30,000*l.* a year. Let hon. Members put that question fairly and justly, and still he would go as far as any man in rejecting this beggarly grant, which raised against them (the Catholics) the question of gratitude, which he, for one, was not disposed to pay, by robbing them of the immense debt of justice which he, for one, was determined always to claim. If the hon. Member for Birmingham would alter the form of his Motion, so as to do justice—and not merely justice to the Catholics, but to the very principle which he himself (Mr. Scholefield) advocated, and a great many hon. Members about, they would support the hon. Member's Amendment, and would do their best to carry it in the House on that and all other occasions. What was the hon. Member's principle? It was that of the absence of religious endowments. They were now considering the question as it affected Ireland. He (Mr. Lucas) was not asking the House to adopt the principle of voluntaryism in England against the Established Church in England. That was a distinct question arising on its own merits, with which he should not then attempt to meddle. But he took the case of Ireland as an isolated case of practical injustice, and, in answer to the appeal made to him from the other side of the House in favour of the voluntary principle, he said that, although he did not agree with the abstract views of the hon. Gentlemen opposite, who advocated the Amendment on the ground of voluntaryism, yet he was prepared to adopt this practical conclusion if they would put that practical conclusion in issue. The Amendment did not even deal with the grant made in the shape of the *Regium Donum* to the Presbyterians in Ireland. If that Resolution was carried, they would take away the endowment of Maynooth, and leave standing the endowment granted out of the Estimates of every year in favour of the Presbyterians of Ulster. Therefore that Resolution did not in any way put fairly in issue the principle which the hon. Member wished to recommend to the House. The hon. Member ought to put that principle in issue by including some form of words which would declare that all religious endowments in Ireland, of whatever kind—whether the endowment of Maynooth, the *Regium Donum* of the Presbyterians, or that most flagrant and flagitious of all endowments, the endowment—not by the voluntary grant of the State out of the funds of the State—but the endowment conceived in fraud and brought forth in robbery—the endowment of the Established Church of Ireland, which plundered the Catholics of their own funds, and gave them to a minority of the people. An appeal had been made to them (the Catholics), and it was an appeal *ad misericordiam*—that they would not be so stony-hearted, or so hard, as to ask Protestants to vote their Protestant money for the support of a religion to which they had a conscientious objection; and yet the Protestants took not their own, but the Catholic funds, and actually compelled and dragooned, and coerced the Catholics to make over the funds accumulated by their religious and Catholic forefathers for the endowment of the religion which they professed. They took all those funds from the Catholics, and they had no scruple of conscience, no reciprocity of toleration, but they went on the vulgar principle of taking all they could get, and of keeping all they got when once they got it. That principle would not do; it would not succeed; it must break down. What was the real state of the question now before the House? Nobody believed that the Resolution of the hon. Member (Mr. Spooner) would be adopted by that House. Everybody knew it would be outvoted. It was, in fact, a Resolution which was supported only by what he (Mr. Lucas) might call the tail of two parties in the House without the assent of the heads of either. There was no man on either side of the House who had ever been connected with the administration of the affairs of this country—no man who had ever been a Cabinet Minister, or hoped to be one—who would ever commit himself to the insane proposition that the House was to maintain such an iniquity as the Established Church in Ireland, and that it was to take away from the Catholics that poor paltry contribution which it had made not so much in a spirit of liberality and kindness, as in a spirit of State policy. The greater part of the hon. Member's (Mr. Spooner's) speech depended on what took place at the last election. The hon. Member claimed inquiry into Maynooth in consequence of the scenes that took place at the last election; because, he argued, those things proved that the object in making the grant had failed. He (Mr. Lucas) admitted that in one sense the object of Sir Robert Peel's policy with regard to Maynooth had failed; for it was part of the avowed object of that policy that that House was to have done for ever with the annual discussions about Maynooth, and that they should not waste two valuable nights every Session with abusing one another about religious topics, and in enkindling mutual religious hostilities which could not but exist out of doors, but which it was not for the interest of the State or the Empire that they should be cultivated in that House. He had always understood it to be the policy of Sir Robert Peel in this matter that that House should cease to send forth the "message" they had so often sent before—that the feeling of intolerance still existed in that House, and that religious freedom was insecure, because a large majority in that House wished to give expression through the Legislature to those feelings of intolerance, and to strike a fatal blow at the peace and tranquillity of the empire. That must be the result if the Resolution passed. He did not think he ought to occupy the time of the House by answering objections so offensively made by the hon. Member (Mr. Spooner) against everything that was most sacred and holy in his (Mr. Lucas's) estimation. He certainly thought he should be treating those imputations with a respect which they did not deserve, if he were to meet them with anything like serious refutation. To hear the hon. Member, the House might think that the Catholic religion had dropped down from the moon only last year; that it was some new subject which occupied the thoughts of the educated gentlemen of England; that they had to learn for the first time what was the religion of their forefathers; and that we of the nineteenth century had yet to go back for some centuries to know what was the religion which prevailed in this country for so many generations, which laid out the foundations, and built up the fabric of the constitution which was now their boast, and every institution on which they prided themselves, and which created that political inheritance which they enjoyed, whilst they blasphemed the creators of it. Neither on this nor on any other occasion would he condescend in that House to vindicate the Church of which it was his greatest pride to be an obedient child, against the aspersions brought against it by that hon. Gentleman. If ground were laid for inquiry by bringing in a *bonâ fide* distinct charge against the endowment of Maynooth—if evidence were adduced establishing a *primâ facie* case that the funds were badly applied, that there were abuses of any kind in the administration of these funds, or that any particular immorality prevailed in the institution—if any tangible accusation were brought against Maynooth, then he and every hon. Member who acted with him should be prepared to meet an inquiry, and to assist it by every means in their power. But that was not the fact. No case had been made out against Maynooth, nor the pretence of a case. The only case made out was a case against the Catholic religion; and the question the House of Commons was now asked to try was, not whether Maynooth was a good Catholic college, but whether the Catholic religion was of such a nature that no Catholic college, without being false to the character of Catholicity itself, should have any endowment whatever. That was the case which had been made out; and to a case made out in that way, resting on such grounds, depending on the truth of such propositions as had been advanced by the hon. Member (Mr. Spooner), he should never give his assent, but his most determined opposition. He understood that by continuing his observations he should stand in the way of a division; he would, therefore, though he had other remarks which he intended to have made, yield to the expressed wish of the House.

MR. DRUMMOND: I have no objection that we should go at once to a division, if that is the wish of the House; but, Sir, my constituents of every rank and degree have urged me to vote against the continuation of this grant. But I know I won't. [*Laughter.*] I said, "No—I refuse to do an act of injustice." I said, "Let there be a case made out—let there be a Motion made for inquiry, and into that inquiry I will go." But my constituents, like the rest of the people of England, are not a pack of blind bigots, who do not know what they are talking about. That which has raised their indignation is this, the address of a gentleman called Paul Cullen, who writes, "The venerated hierarchy and clergy, in the fulfilment of their duties, will inculcate the strict and religious duty of selecting as representatives of the people those men who are best fitted to support in the Imperial Parliament our religious rights." Now we go back to the master of Paul Cullen, and see what he calls religious rights. The Pope says, "We have taken this principle for basis, that the Catholic religion, with all its rites, ought to be exclusively dominant, in such sort that every other worship shall be banished and interdicted." Now, Englishmen may be called coarse, but they are honest and plain spoken; and I say, with those words, to talk about religious equality is a gross fraud and imposture. I have not time to go into all the question; but about this new religion, I could, if I had time, prove that now, for the first time in the history of the Church, the doctrines of the Jesuits are alone authorised. Do not shake your heads, Gentlemen. I will give my authority; I have got all the extracts; those pocket pistols, as they are sometimes termed. [An Hon. MEMBER: Go on!] I won't go on, because I know very well the nature of the adversaries with whom I have to deal, and I will not stir one step without making good my ground as I go. I know the cleverness of the Jesuits; I know they beat the Popes; and I am not going to suppose that I can beat them as they have beaten the Popes. But I will give you a sample of them. Bellarmine — no obsolete authority among them—says *Pontifex potest legem Dei mutari.* That sentiment astonished the King of France; and the King of France, after a good deal of trouble, got the Pope to put this among the *propositiones damnatæ.* How did they get over that difficulty, do you suppose? By putting in a word or two—*Pontifex non sine justa causa.* There are a dozen instances; would you like any more? ["Go on!"] I will oblige the hon. Gentleman by giving one—though I am sure it is not at all my wish. For instance, you must know these Jesuits have a sort of falsehood called mental reservation. Innocent XI., a very good Pope, tried to put down some of those things, and among the rest this "mental reservation." But how did they get over him? By saying they wanted pure mental reservation—so pure, indeed, that nobody was to understand it. [Mr. BOWYER: Where is that to be found?] You will find it, Sir, in the fifth volume of *Liguori*, page 268. Then, again, they encourage assassination, as we all know. That was why the King of Spain banished them from his dominions. The answer they put in to that charge was, that they only were to be accounted assassins who committed assassination for a temporal consideration. So, if you are not paid for a murder, it is not assassination. But this is not the point I wished to bring before you. I wanted to bring specially before you what they think with regard to witnesses and false oaths. That is the point, and it is upon that point that it behoves the Government to institute inquiry, because it would be impossible to maintain that there is any means of carrying on the institutions of freemen whilst such doctrines are taught. [Mr. BOWYER: Where do you find that? In the fourth volume of *Liguori*, page 364. You will see there that a witness may say he does not know that which he does know. I might go through the whole system of this falsehood. I want to treat it, not as a religious question; it is a question of the conspiracy of these men against the rights of mankind; and it behoves every country in Europe to combine to expose and refute such a system.

LORD CLAUD HAMILTON then attempted to address the House; but the cries for a division being great, the noble Lord moved that the House do adjourn.

After some interruption,

SIR ROBERT H. INGLIS said, he could not suffer the discussion to close without protesting in the strongest manner against the observations with respect to the Established Church used by the hon. Member for Meath (Mr. Lucas), who could not have taken his seat in that House unless under the solemn obligation of an oath to do nothing to weaken or destroy the settlement of the Church Establishment. Language more bitter, more insulting, or more unlike anything which the hon. Member himself would tolerate to be used in reference to his own Church, he (Sir R. H. Inglis) had never heard.

MR. LUCAS said, that with respect to what had fallen from the hon. Baronet, all he could say was that it was not his intention to use one expression insulting to any hon. Gentleman on account of the religion or Church to which he belonged. He had spoken of the Establishment solely in its character as a political institution, not wishing to express any opinion on its character as a Church; and he should have deemed himself open to great reprobation if he had used any observations about the Church to which the hon. Baronet belonged such as those uttered the other night, without any remonstrance being made, by the Member for North Warwickshire against the Catholic Church and its sacraments.

MR. SERJEANT SHEE thought it due to himself to take some notice of what had fallen from the hon. Member for Meath (Mr. Lucas). That hon. Member had said, that if the Amendment moved by the hon. Member for Birmingham had included all religious endowments, that of the Established Church in Ireland among the rest, he and those who acted with him—meaning, he (Mr. Serjeant Shee) presumed, all or many of the Catholic Members of the House—would have voted for it. Now, he (Mr. Serjeant Shee) meant to say that, so long as the oaths now taken at the table by Members constituted part of the law of the land, he would not vote for such an Amendment. On many subjects, doubtless, he entirely agreed in opinion with the hon. Member for Meath, but not on that subject; and he could not allow the debate to close without expressing distinctly his sentiments on the point.

Sir JOHN SHELLEY, amid loud cries for a division, emphatically denied that in voting for the Amendment he was influenced by religious bigotry.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 162; Noes 192: Majority 30.

List of the Ayes.

Adderley, C. B.
Anderson, Sir J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Astell, J. H.
Ball, E.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Bentinck, G. P.
Berkeley, hon. C. F.
Blair, Col.
Booker, T. W.
Bouverie, hon. E. P.
Bremridge, R.
Brisco, M.
Brocklehurst, J.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Burghley, Lord
Burrell, Sir C. M.
Butt, G. M.
Cairns, H. M.
Campbell, Sir A. I.
Chambers, T.
Cheetham, J.
Child, S.
Christopher, rt. hon. R. A.
Cobbold, J. C.
Codrington, Sir W.
Coles, H. B.
Collier, R. P.
Craufurd, E. H. J.
Crook, J.
Davison, R.
Deedes, W.
Dod, J. W.
Dodd, G.
Du Cane, C.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncombe, hon. A.
Dundas, G.
Dundas, F.
East, Sir J. B.
Ellice, E.
Ewart, W.
Farnham, E. B.
Farrer, J.
Ferguson, J.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Freestun, Col.
Frewen, C. H.
Gooch, Sir E. S.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Hardinge, hon. C. S.
Hastie, A.
Hastie, A.
Heathcote, Sir G. J.
Heathcote, G. H.
Hope, Sir J.
Horsfall, T. B.
Inglis, Sir R. H.
Jones, D.
Keating, H. S.
Kendall, N.
Ker, D. S.
Kershaw, J.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Knox, hon. W. S.
Langton, H. G.
Langston, W. G.
Lockhart, W.
Long, W.
Lowther, Capt.
Macartney, G.
MacGregor, J.
M'Taggart, Sir J.
Maddock, Sir T. H.
Mandeville, Visct.
Martin, J.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Maunsell, T. P.
Meux, Sir H.
Michell, W.
Miles, W.
Miller, T. J.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, C. R.
Morris, D.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Napier, rt. hon. J.
Neeld, J.
Noel, hon. G. J.
Packe, C. W.
Palmer, R.
Parker, R. T.
Pellatt, A.
Pilkington, J.
Repton, G. W. J.
Robertson, P. F.
Rushout, Capt.
Sawle, C. B. G.
Scott, hon. F.
Seymer, H. K.
Smijth, Sir W.
Smith, W. M.
Smyth, J. G.
Somerset, Capt.
Stafford, A.
Stafford, Marq. of
Stanhope, J. B.
Stanley, hon. W. O.
Stapleton, J.
Taylor, Col.
Thomson, G.
Tollemache, J.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H. S.
Walcott, Adm.
Warner, E.
Whalley, G. H.
Whitmore, H.
Wickham, H. W.
Wise, J. A.
Wortley, rt. hon. J. S.
Wynne, W. W. E.

TELLERS.

Spooner, R.
Newdegate, C. N.

List of the Noes.

A'Court, C. H. W.
Adair, H. E.
Anson, hon. Gen.
Atherton, W.
Bailey, C.
Baines, rt. hon. M. T.
Ball, J.
Baring, rt. hn. Sir F. T.
Barnes, T.
Bell, J.
Bellew, Capt.
Berkeley, Adm.
Berkeley, C. L. G.
Bowyer, G.
Brady, J.
Bramston, T. W.
Brand, hon. H. B. W.
Brotherton, J.
Brown, W.
Browne, V.
Bruce, H. A.
Butler, C. S.
Cardwell, rt. hon. E.
Chaplin, W. J.
Charteris, hon. F.
Clay, J.
Clay, Sir W.
Clinton, Lord R.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Coote, Sir C. H.
Corbally, M. E.
Cowper, hon. W. F.
Crossley, F.
Denison, J. E.
Devereux, J. T.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duncombe, T.
Dunlop, A. M.
Elliot, hon. J. E.
Emlyn, Visct.
Esmonde, J.
Evelyn, W. J.
Fagan, W.
Ferguson, Sir R.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forster, M.
Forster, C.
Fortescue, C.
Fox, R. M.

Fox, W. J.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Gower, hon. F. L.
Grace, O. D. J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Harcourt, Col.
Headlam, T. E.
Henchy, D. O.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Howard, hon. C. W. G.
Howard, Lord E.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Kennedy, T.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacon, Sir E.
Laslett, W.
Layard, A. H.
Lewis, rt. hon. Sir T. F.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lucas, F.
Mackie, J.
M'Cann, J.
M'Mahon, P.
Magan, W. H.
Massey, W. N.
Meagher, T.
Milligan, R.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Monck, Visct.
Moncreiff, J.
Moore, G. H.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Norreys, Lord
Oakes, J. H. P.
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Paget, Lord A.
Palmerston, Visct.
Peacocke, G. M. W.
Peel, F.
Percy, hon. J. W.
Phillips, J. H.
Phillimore, R. J.
Phinn, T.
Pinney, W.
Ponsonby, hon. A. G. J.
Potter, R.
Powlett, Lord W.
Price, W. P.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Sotheron, T. H. S.
Stanley, Lord
Stansfield, W. R. C.
Stirling, W.
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.
Swift, R.
Thicknesse, R. A.
Thornely, T.
Towneley, C.
Tufnell, rt. hon. H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wells, W.
Whatman, J.
Whitbread, S.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Winnington, Sir T. E.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.
Hayter, W. G.
Monsell, W.

And it being Six o'clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, February 24, 1853.

MINUTES.] *Took the Oaths*—The Lord Kilmarnock.

Took the Oath prescribed by the Act of 10th *Geo.* IV. to be taken by Peers professing the Roman Catholic religion, the Lord Vaux of Harrowden.

PUBLIC BILLS.—2^a Chancery Suitors further Relief; Lunacy Regulation; Lunatic Asylums; Lunatics Care and Treatment; Bankruptcy; Criminal Law Amendment; District Courts of Bankruptcy Abolition.

CHANCERY SUITORS FURTHER RELIEF BILL.

LORD ST. LEONARDS moved the Second Reading of this Bill, observing that he thought the better course of proceeding would be to refer it, and the several other measures of legal reform now standing for a second reading, to a Select Committee.

The **LORD CHANCELLOR** expressed his concurrence in the course suggested by the noble and learned Lord, which he thought the most expedient and convenient that could be adopted. In assenting to the second reading of the Bill, he hoped he should not be understood as assenting to the assertion that it would effect a saving of expense in the Accountant General's Office, because he thought it capable of demonstration that the contrary would be the fact.

Bill read 2^a.

CRIMINAL LAW AMENDMENT BILL.

LORD ST. LEONARDS then moved that this Bill be read a Second Time.

LORD CAMPBELL said, he did not object to the second reading of the Bill, but, as he should be absent for some weeks in the discharge of his public duty, he wished to take this opportunity of protesting against the Bill coming into operation until the Criminal Code should be complete.

LORD ST. LEONARDS expressed his regret at being deprived of the assistance of the noble and learned Lord in Committee, and said that he disagreed with his noble and learned Friend as to the necessity of postponing this measure, until the digest of the whole criminal law should be complete. Some offences were of a class quite distinct from others, and it would be advantageous to have the benefit of experience in regard to a part of the criminal law, while proceeding to deal with other parts.

The LORD CHANCELLOR said, that the Commissioners who were appointed in 1835 to inquire into the subject had prosecuted inquiries with regard to the consolidation of the criminal law, and made several valuable reports. There was afterwards a renewal of the Commission, and the result was that a series of Bills had been framed by the Commissioners, which included the whole digest of the statute law. It had been thought better to split the measure which was originally suggested, into several portions, in order that it might be the more manageable. The day after he received the Great Seal, he sent for one of the members of the Commission, from whom he understood that one department of the proposed alterations had been taken up by his noble and learned Friend (Lord St. Leonards); and he felt satisfied that it could not be in better hands.

LORD BROUGHAM observed, that the Criminal Law Commissioners had approved of a digest of the whole criminal law with reference to crimes and punishments, reserving for a future report the digest relative to criminal proceedings. The report respecting crimes and punishments was referred back to the Commissioners, in order that some alterations might be made, and one or two gentlemen were then added to the Commission. The Commissioners made a second report, and a Bill founded on such report was brought in, and was referred to a Select Committee. That Bill had, however, been delayed until the Commissioners had agreed upon a digest as to the mode of criminal procedure. In 1850 he had done all he could to induce the then Government to provide for the continuance of the Commission for another year, when they might have completed the whole digest of criminal procedure; but the Government declined to accede to his suggestion, stating that enough had been done to enable them to proceed themselves in the matter. He had been hopeless of seeing the digest completed at all, when the late Government promised to give immediate attention to the subject. Then came the question how they were to proceed, and it was suggested that instead of proceeding with the whole digest in one Bill, it might be considered and adopted piecemeal—that first one chapter should be taken, and then another, until the whole digest should be passed into law. The noble and learned Lord opposite (Lord St. Leonards) then took up that chapter which he (Lord Brougham) thought was the most important, namely, that relating to offences against the person. He did not understand that the noble and learned Lord abandoned the other Bills, but that, beginning with this measure, he intended to introduce others afterwards. He would fain hope, therefore, that there would be no difficulty in following up the enactment of the first chapter by the enactment of others, and that the result would be, that before the end of the Session such a clearly digested view of the criminal law of this country would be provided as would suffice to inform, authoritatively and distinctly, the subjects of the Crown what those laws were to which their obedience was exacted under such high punishments. He did not think that it would, upon the whole, be desirable to postpone the operation of any part of the digest until the whole was completed.

Bill read 2ª; and, with the Chancery Suitors' further Relief Bill, the Lunacy Regulation Bill, the Lunatic Asylums Bill, the Lunatics Care and Treatment Bill, and the Bankruptcy Bill, *referred* to a Select Committee.

THE WAR WITH AVA.

The EARL of ELLENBOROUGH then rose, pursuant to the notice which he had given, to put the following questions to Her Majesty's Government:—

> "1. Whether Her Majesty's Government have any objection to lay before the House a letter from the Secret Committee of the Court of Directors of the East India Company to the Governor General of India in Council, dated in September, 1829, giving Instructions as to the Line of Operations in any future War with Ava?
>
> "2. Whether Her Majesty's Government are prepared to lay before the House any Papers explanatory of the present Objects of the War with Ava, and of the Measures whereby it is proposed to attain such Objects?"

The noble Earl proceeded to say that he was afraid he should find it somewhat difficult to attract their Lordships' attention to a question of Indian policy and war, after they had been occupied with matters connected with the domestic policy of this country, and which were consequently so much more attractive. He must, however, endeavour shortly to explain the position in which the British Government now stood with regard to the Court of Ava; and before he put the first question of which he had given notice, he thought it right to state under what circumstances the despatch to which it referred originated. At that time he was President of the Board of Control, and various matters came before him connected with the then recent war in Ava. He had occasion to become acquainted with the great force employed, with the great losses sustained, and with the enormous expense incurred in the conduct of that war, which, according to the statement of the then Chairman of the Court of Directors, amounted, he believed, to something like 12,000,000*l.* All these matters came before him; and he thought that, considering that they had obtained a very extended knowledge of the country, of its resources, and of its geography, and that the war had been one of so important a character, it was extremely desirable, and indeed necessary, that he should place all the information he possessed before the late Duke of Wellington, who was then at the head of the Government, and obtain that noble Duke's authoritative instructions with respect to the line of operations which should be adopted in the event of their being at any future time forced to make war upon Ava. Accordingly he placed before the Duke of Wellington all the information and papers bearing most materially upon the subject. The noble Duke took all these matters into deliberation, and was kind enough to communicate to him (the Earl of Ellenborough) his opinion in detail; and that opinion was conveyed to the Government of India in the despatch to which his question referred. He (the Earl of Ellenborough) was not aware whether his noble Friend (the Earl of Aberdeen) would consent to lay that despatch before their Lordships, and he would not further refer to it; but this he thought he was at liberty to say, that the course of operations which had been lately adopted by the Government of India was not the course which was prescribed in the Duke of Wellington's instructions. Another thing he thought he might venture to assume—recollecting all that he had read of the opinions of the late Duke of Wellington, and the many conversations he had had with that noble Duke, especially in connexion with the war in China—namely, that it was impossible the Duke of Wellington could have sanctioned and approved of the course of operations which had been adopted. He (the Earl of Ellenborough) said so on this ground—that he thought it quite impossible that the Duke of Wellington could have approved of a plan of operations which involved the necessity of employing troops along the internal waters of a great empire, at a considerable distance from their ships, without the assistance of animals, and therefore without the means of movement upon the land. He held it to be impossible that the Duke of Wellington could have approved of such a system of operations, because he knew that if the noble Duke had done so, he would have given an opinion directly inconsistent with the opinions he had so often heard from the lips of that illustrious individual. Now, he would refer for an instant to the details which had been received a few days ago with regard to the operations for the relief of Pegue, and it would at once be seen that those operations proved the impolicy of attempting to carry on a war with troops destitute of animals, and therefore without means of movement by land. A large number of troops, by the orders of General Godwin, were conveyed on board several steamers to Pegu; and in the course of two or three days he collected twenty-five carts. The general applied the animals at his disposal to drawing these carts with six days' provisions, and had then no animals whatever left to draw his guns. The army proceeded, without guns, without animals, and drove the enemy before them. In the course of three days they marched twenty-four miles. At the end of that time the general found he had done the enemy little injury, for they constantly ran away, and avoided contact with his troops; they fled from one point to another, and he had no means of following up the successes he had obtained; and the breaking down of a cart laden with beef and biscuit crippled his resources, and rendered it impossible for him to proceed. Whatever might be the coolness under fire of that officer—whatever might be the courage and discipline of his troops, he (the Earl of Ellenborough) held it to be impossible, with troops so ill-provided, to subdue an empire; and yet that was apparently the object of the Government of India. What had happened at Pegu might happen elsewhere; but let their Lordships consider with how much greater loss, if the distance from our resources was greater than on that occasion. He knew it would be in the recollection of their Lordships that we at last succeeded in obtaining success in China, and compelling the Emperor of China to submit to the terms which we dictated to him, and that we effected that object by troops possessed of very limited means of carriage. No doubt we did; but observe the difference. In the early stages of that war islands were taken, towns were taken, armies were defeated with great loss, and the enemy suffered greatly, but no impression whatever was produced on the Government of China until the whole character of the war was completely changed—until our resources were concentrated on one point, and brought to bear on the mouth of the Great Canal, so as to interrupt all the great internal communications of the empire. When that was done we undoubtedly succeeded; but had we the same means of success in the war with Ava? Was there any point on which it was possible we could concentrate our forces so as to produce the same effect? Or, even if we could do so, could we expect to produce the same result when dealing with a barbarous usurper, acting at the head of a barbarous people, as had followed when we were dealing with the hereditary sovereign of a civilised and wealthy people? One of the great difficulties of a war like this was, that it was waged against a barbarous people, who did not act on the ordinary considerations which swayed the councils of a civilised people. The former usually acted more from passion than the latter. Undoubtedly, if we had been acting on a totally different system from that which had been followed during the present war—if we had been resting, as we ought to have done, on our own provinces in Arracan—if we had been keeping open our communication with our own provinces, and had placed an army of 7,000 or 8,000 men on the Irrawaddy, nearly at equal distances from Ava and Rangoon, with perfect means of moving all our troops, so as to be able to effect any purpose required from them in the war; no doubt, if we had done that, we should have had a better chance of success than we could possibly have in contending with the enemy under such difficulties as we had been doing. But that was not the course which had been adopted. Before he proceeded further, he begged to place before their Lordships, as far as he could, a statement of the present position of the Army in that part of India. He had taken pains to ascertain the facts, and he believed that what he was going to state was not far from the truth: He calculated that about the 4th of January General Godwin would have arrived at Prome. He would have there about 4,800 men, of whom 200 would be cavalry, with sixteen guns, of which he believed not more than ten were horsed and capable of being moved. He could not find a trace of his having any animals whatever for the purpose of moving provisions or ammunition. He regretted to be obliged to say, too, that out of the 4,800 men, one-fifth would be in the hospital, and that the men were dying six, eight, and sometimes ten a day of cholera; and no wonder. It appeared that for a long time after the troops had arrived at Prome they subsisted entirely on salt provisions, and it was only when they came to occupy the right bank of the river that they got fresh meat supplied to them. On the left bank of the river they were actually invested by the enemy; there was a continued line of six miles of stockade, by which the enemy shut them in, with a jungle of two miles and a half between them and the stockade. Behind that immense line of stockade there were three other stockades, all to be attacked by the troops before they could meet the main body of the enemy. If they deducted the 800 or 1,000 men in the hospital, and at least 500 more who must remain to protect the hospital and such stores as they had, General Godwin would not be able to move out with more than 3,500 men; and he believed, that with the exception of having animals to move his guns, he had no means whatever of moving his forces. In the event of these forces succeeding in attacking the stockades—which, if the enemy fought at all, must be a work attended with severe loss—how was it to be expected that forces so limited in amount, and already so seriously affected by sickness, would be able at last to march upon Ava, as was the dream of those who looked at these operations from a distance? In Arracan there were 500 men employed in making a road to the top of the pass which leads from Arracan to the Irrawady. The officer commanding these men reported that he could not make the road in less than three months, that there was a steep mountain with a stockade which it was impossible to take, and that there was not a single commissariat officer to provide supplies for his troops; and the consequence was, that that officer was actually raising supplies on his own credit. Such was the state of the force employed to make the road by which animals were to get to the valley of the Irrawaddy. That road was perfectly well known to us. A regiment of Madras troops came back to India by it. We were in possession of the most minute details respecting it; and the fact was, that there would not have been the slightest difficulty in throwing troops over and occupying that pass on the very first day of the war; but, now that we had allowed the pass to be so strongly fortified, it would be a matter of great difficulty to take it; and, even if we were prepared to send out animals to make the Army moveable through that pass, there were no troops to escort them. At Rangoon there might be about 2,000 men, 500 or 600 at Pegu, besides 1,100 to sweep the country—that was to say, there were about 3,500 men left below—and, in consequence of the unfortunate measure of the occupation of Pegu, he did not think it possible, while that measure was adhered to, that one man could be sent from the lower part of the river as a reinforcement. Fortunately for this country, the Burmese had been very hasty in their attack upon Pegu. Had they only waited until the force at Rangoon had been reduced to the strength of a mere garrison, it was impossible that they should not have been able to take it. It could not have been relieved by an adequate force. In consequence of the necessity of relieving Pegu, there had been a delay of three or four weeks at a most important period of the campaign, and there would be an increased loss of life, owing to the greater strength of the enemy's works near Prome, and to their having occupied the old position of Danabew, so celebrated in the former war, Now, when such was the state of things with respect to the operations in the present war, when the Army was in such a position as that to which he had called their Lordships' attention—when it was remembered that it had scarcely moved at all in order to inflict any serious loss upon the enemy: this was the moment which had been selected to declare the annexation of the province of Pegu, which we did not occupy, and of intimating our intention, if our proposals were not acceded to, of moving upon Ava! That was a very grandiloquent proclamation; but, unfortunately, there did not exist a force sufficient to enable us to carry it into execution. If General Godwin and the Government had confined their attention in the present campaign to the possession of the province of Pegu, and had attacked from the rear the Burmese who occupied the passes leading into Arracan, so as to complete the communication between our provinces and the Irrawaddy, he would not say that in the following campaign it would not have been a perfectly feasible measure, and that we could not have performed the operation of subjugating that Power if it were thought to be necessary. It was not for him (the Earl of Ellenborough), who knew the strength of the Indian Army and the resources of the country, to say that any measure which was ordered by the Government here was incapable of being executed there; but with a view to success in all military operations, time, previous preparation, and much consideration were required, and no army whatever could effect great purposes in war which was not perfectly provided with the means of moving; and of these the Army to which he was now referring had literally none. And here he begged to ask whether it was advisable that we should annex the province of Pegu at all? If the annexation of Pegu were possible, could we continue to maintain such a possession? Let it be remembered that there was no frontier, no range of mountains, not the slightest line of demarcation. Even if it were possible for us to obtain possession of the country by treaty with the King of Ava, could we look forward to being able to maintain it without further conflict? He believed it was impossible for us in that case to avoid further conflict. And to what would that lead us? To the occupation of the whole of that kingdom, and thus place us upon the internal frontier of China, as well as to a considerable extent upon that of the King of Siam. Was it desirable to expend in that way the resources of our Indian empire? We had made of late years many annexations to the empire of India—he would not trouble the House by going into the detail of these acquisitions—but he had no hesitation in saying that some of these had produced the greatest possible advantage to us in a military point of view; but even the military advantages would be denied us in the case of Ava. In India these advantages were attended by this additional recommendation—that however large might be the force in the new provinces, that force was still in India, and still continued to produce its moral effect on the inhabitants of that country. Again, in the case of the extended dominion of India, all the troops in the various provinces could be easily available for the protection of any one province that might require their services; but from Ava it would be impossible to withdraw the troops which would be found necessary to keep possession of it. Ava was out of India, and was altogether unconnected with it. This was the first time the Government had desired to extend the empire into wholly new regions. We could not occupy Ava without a large extension of our military force—even if we confined ourselves to the occupation of Pegu without a considerable addition of force. Without this it would be impossible to diminish the number of officers in the regular regiments by appointing them, as we did now, to political and civil offices. It would be necessary, therefore, to add several regiments for the purpose of procuring more officers to fill these different situations. Already, during the present war, no fewer than twenty-two officers had been taken from their regiments and placed in political employments. At least four European and eight Native regiments would be absolutely necessary, even if we confined ourselves to the occupation of Pegu; but we must go further—we must occupy the whole kingdom of Ava; and, he had told their Lordships with what countries they would, in that case come into contact, and how great the danger that some apparent or pretended necessity would be found of going yet further. There was another consideration which their Lordships ought not to dismiss from their minds—that was, the manner in which they would carry on the government of Ava. In the case of the previous annexations which had taken place in India, they could bring from any part of the country persons conversant with the habits and language of the people; but the language of Ava was different from any known in India, and how could they conduct the government of a conquered country with anything like satisfaction to themselves, when they could not find a single individual to assist them able to speak its language? When he looked at the magnitude of the operations in which we were now engaged, at the annexation of a province which we did not really occupy, at the threat to occupy an empire and dethrone a sovereign, if our demands were not acceded to; when he looked at the expenditure which had already been incurred in the war—not less at the present time, he apprehended, and from the commencement of the war, than 130,000*l.* a month—remembering the expense of the war in China, he might even say 150,000*l.* a month—when he considered that we had already detached from India fifteen regiments, besides artillery—that we occupied the whole steam force of India, besides a portion of that belonging to Her Majesty; when he looked forward to the prospect of more extended operations being necessary to carry into effect the great object to which we had now pledged our honour by that unfortunate proclamation; when he remembered that the original causes or pretexts that had been put forward in its justification were two little injuries inflicted on British subjects, the details of which were adopted according to the statement of the parties complaining, without any inquiry whatever by impartial persons—two little insults, as they were called, inflicted upon those persons, who went to the Governor of Rangoon with a letter from the Governor General of India—the first provoked by the recklessness with which they acceded to the proposition to go two and a half miles in the middle of the day to the Governor of Rangoon—a circumstance which would at all times be certain to call forth disrespect—and the second provoked and rendered necessary by persisting in going to the Governor when he had distinctly told them that he would not receive the Mission at all; when he considered that the whole amount of the original damage was said to be 900*l.*; when he remembered that we had seized a ship of 900 tons burden, which was surely equal in value to the amount of the damage; when he considered how the presence of five of our ships in their river might have been considered by the Burmese as an injury and an insult, at least equal to that which we said we received; when he remembered all these things, he confessed it was most painful to contemplate the great and lamentable consequences which had arisen from a cause so small. Let their Lordships remember that this was not the first occasion on which differences had arisen with the Burmese Government from supposed injuries to British subjects, and supposed disrespect to the British flag; but on former occasions the good sense of the Government had so acted as to prevent the collision which had taken place in the present instance. It was well known that on this occasion the King of Ava did not desire war, and that he had made no preparation for it—that, whatever injury or insult had been inflicted on us, the notion of acting hostilely towards us never entered his head. When he remembered this—and remembered also that on former occasions our disputes with that Government had been settled in an amicable manner, so as to avoid hostilities, he confessed it was with deep regret that he had seen on this occasion a course pursued which had involved us in a great war. We had become involved in it from causes apparently the most trifling, and which might so easily have been settled by some measure of a much less violent description. His noble Friend and the Government, he was aware, were not answerable for the proclamation which had been issued; but they as well as the country must, he feared, abide by it. He desired, however, to learn from his noble Friend what were his views of our position with respect to that war, and in what manner he thought this country could extricate itself from the difficulties in which it had been placed.

The EARL of ABERDEEN: My Lords, my noble Friend asks us, in the first place, whether we have any objection to lay before the House a letter from the Secret Committee of the Court of Directors of the East India Company to the Governor General of India in Council, dated in September, 1829, giving instructions as to the line of operations in any future war with Ava. Now, although I believe it has scarcely ever been customary to produce any despatch from the Secret Committee, I am not disposed to withhold the despatch which is now asked for, because although it may be a document possessing some historical interest, I think that despatch is one of little practical utility. That despatch was written twenty-five years ago, on a supposed event which might take place—namely, the renewal of a war with Ava. Now, your Lordships will see that in the lapse of time many events may have happened to render completely inappropriate any line of conduct prescribed in a despatch of so old a date; and therefore, although, as I have said, it may be matter of interest to your Lordships to possess the opinions of the illustrious man referred to by my noble Friend, dressed up as they are in the language of my noble Friend who has just spoken, I still must consider it a matter of mere historical curiosity, and not one of practical utility. I have however, no objection to produce the despatch. My noble Friend has also asked whether Her Majesty's Government are prepared to lay before the House any papers explanatory of the present objects of the war with Ava, and of the measures whereby it is proposed to attain such objects. These papers Her Majesty's Government are prepared to lay before the House, and from them I believe my noble Friend will obtain all the information he requires. I believe that the papers already upon the table bring down the operations to the end of March; and those which are about to be produced will include the latest papers which refer to the annexation of the province of Pegu, and the proclamation to which my noble Friend has referred. My noble Friend has another Motion upon the paper, to which he has not adverted—namely, to move for an account of the expense already incurred in the war with Ava, and an estimate of the probable expense to be incurred in the current year. That, of course, will be complied with, so far as it is in the power of the Government to do so. My noble Friend has entered into a very full and minute criticism of the objects of the war, and of the detailed conduct of the operations which have taken place. Your Lordships are aware that Her Majesty's present Government are strangers to the whole of the policy and execution of that war up to the present time. Her Majesty's late Government, I apprehend, gave their general approbation to that policy and to the conduct of the war. I am not disposed to dissent from that policy, or to withhold the approbation which the late Government expressed. My noble Friend has animadverted upon the annexation of the province of Pegu. My Lords, I have great reliance upon the discretion, judgment, and experience of my noble Friend the present Governor General of India, and I believe that he would not have adopted a step of that description without very mature consideration and a perfect conviction that he was acting in accordance with his duty. That annexation, like many other of our proceedings in India, has been reluctantly adopted, and has been made from the necessity of obtaining adequate redress for the injuries we have received, and compensation for the expenditure incurred. Ever since I had a seat in this House, I remember that every Governor General who has left this country for India has gone out with professions of a most pacific policy, and a desire to abstain from anything like war or aggrandisement of territory; yet I believe that there has not been a single Governor General who has not found himself more or less engaged in war. In the present instance I have no doubt that my noble Friend the Governor General has been led by the necessities of the case to extend the sphere of the warlike operations in which he has become engaged; for, as your Lordships know very well, an enterprise, whatever may be its primary objects and intentions, necessarily undergoes great changes and modifications in the course of its progress. My noble Friend opposite has also referred to the various military operations of General Godwin, and to the different movements of his army. I am unable to form a judgment of the propriety, wisdom, or military skill displayed by the officers and men engaged in that war. I make no such pretensions. I know perfectly well the ability and power of military criticism possessed by my noble Friend opposite, and very likely there may be some reason for the criticism with which he has favoured your Lordships. Upon that I confess I have no opinion; but I believe that my noble Friend the Governor General is fully as well able to form a just opinion of those proceedings as my noble Friend opposite, and, therefore, having complete reliance upon his judgment, and knowing the opportunities he possesses on the subject, I do not feel inclined to come to any different opinion from that which he has expressed. As I said before, Her Majesty's present Government do not feel called upon to engage in any manner in discussing the propriety of the measures which were adopted last year under the late Government; but I may say in general terms that, I acquiesce in the opinion which has been expressed by the late Government upon the subject, and in the communications which they made to the Governor General of India.

The Earl of DERBY said, his noble Friend near him (the Earl of Ellenborough) who had introduced the subject to their Lordships with his usual ability and vigour, and the noble Earl opposite (the Earl of Aberdeen), had both reminded him that Her Majesty's present Government were not responsible for the course of policy which had been pursued with reference to the proceedings in Ava, nor for the operations that had taken place. He readily admitted to the noble Earl opposite, while he rejoiced that he did not differ in opinion from the late Government, that for that policy and course of proceeding the noble Earl and his Colleagues were in no respect responsible; but that he (the Earl of Derby) and his Colleagues were alone distinctly and directly responsible for that policy. They were not responsible, indeed, for the commencement of those operations, nor for the original cause of the war, since it had taken place previously to their accession to office; but he had no hesitation in entering into an examination of the representations which his noble Friend the Governor General had sent home of the necessity of his first proceedings, in sanctioning the course which he had felt it necessary to adopt, and in coming to the conclusion that, reluctantly as he had been compelled to undertake hostile operations against Ava, the amount of insult, if not the extent of the individual injury done to British subjects, was such, that if it were felt necessary to maintain the *prestige* of the British character in India, and to guard ourselves from future insult and injury, they must not be allowed to pass unnoticed and unredressed. His noble Friend had stated very truly that this was not the first offence which had been offered by the Burmese. It was not because a loss had been sustained by a British merchant to the extent of 900*l.* that we had been compelled to demand of the Governor of Rangoon first, and of the King of Ava afterwards, a thorough indemnification and reparation for the insult and injury which had been inflicted upon a British subject; but it was because, from the year 1826, a succession of insults and encroachments had gradually deprived us of all the benefits which had resulted from the last war with Burmah, had driven our Minister from that post which he had been directed to hold, had gradually deprived us of all the privileges to which we were entitled, and had succeeded in thwarting the operations of our commerce—because each successive insult had been tamely acquiesced in, perhaps from necessity, by the Government of the day—it was the continued succession of those injuries and insults which had at length made it incumbent upon the Governor General not to pass them over. Without discussing the merits of this particular case, he did not hesitate to say, that when the papers should be produced they would completely bear out the assertion that, unwillingly as the Governor General had had recourse to hostilities, it was impossible for him to have avoided them, and that, having entered upon them, it was necessary to carry them vigorously forward. At the commencement of these hostilities the troops, with very little difficulty and delay, occupied successively the forts of Rangoon and Martaban, and a further advance was made upon Pegu. Our troops were regarded by the populace, not as enemies, but as deliverers, come to rescue them from an oppressive yoke. Our soldiers were received as guests and friends, and every necessary was supplied to them in the markets, and perfect tranquillity was restored from the moment we took possession of the town. The period then arrived at which it was necessary for the Governor General to come to a determination as to how far he should consider that sufficient reparation had been taken from the King of Ava—not given by him—and whether any and what further operations should be undertaken. The Governor General, in a despatch which he presumed would be one of the papers the noble Earl proposed to lay on the table of the House, entered very largely into the various measures which it might be practicable for him to pursue in order to obtain sufficient reparation for the past, and security for the future. There were three courses, if he recollected rightly, which appeared to be open to the Governor General, the nature of which he transmitted for the opinion and advice of Her Majesty's Home Government. The first was, withdrawing from the advanced position which we then occupied, and doing nothing more than taking possession of Martaban and Rangoon, thereby occupying the forts at the entrance of the two great rivers, the Irawaddy and the Thaleain, and thus exercising a great and important influence over the commerce of the country. To that course of proceeding several objections manifestly presented themselves. In the first place, according to the feeling of all Indian nations, a retreat from a position once occupied was never regarded as a proof of moderation, but as an evidence of fear and of inability to hold our own. Consequently our previous successes, followed by a retreat, would have led to the opinion that we were incapable of protecting our own people when insulted. A second objection was, that by such a course the inhabitants of the town and neighbourhood of Pegu, who had welcomed us as deliverers, would be, when deserted by us, immediately exposed to the sanguinary vengeance of the King of Ava. The third objection was, that the occupation of those forts of Martaban and Rangoon would require as large an amount of military force as the occupation of the whole province, and for placing garrisons in the more advanced portion of it. That then, was the first course which was open. The second course was the annexation of Pegu up to the town of Prome, without seeking to have that annexation confirmed or assented to by any treaty on the part of the King of Ava. The third course was that of annexing that which we had already occupied, insisting on the confirmation of that annexation by a treaty with the King of Ava, and, failing such treaty, then to proceed to ulterior measures, even amounting to an advance upon the town of Ava itself, or to Amerapoora. His noble Friend (the Earl of Ellenborough) seemed to be of opinion, that for the operations of that campaign no fitting provisions had been made; that no proper force had been brought together; and, above all, that there were no means of transport provided for the forces. All he (the Earl of Derby) could say was, that in the despatch to which he had referred, the Governor General distinctly stated the amount of force which he would require for the different operations, and added, that he had already given directions for levying a sufficient force to be applied to either of the three contingencies which Her Majesty's Government should determine upon having recourse to; that it would not be necessary in the first instance to levy the whole of that force, but that he should, in the first instance, levy sufficient to secure the annexation and occupation of the province of Pegu, and that he had taken steps for the further levy of forces, and for the supply of elephants and the proper means of transport of the larger expedition, should the Home Government think it necessary to direct an advance upon Amerapoora. Her Majesty's late Government received that despatch, containing the views entertained by the Governor General and his Council, and the arguments *pro* and *con*, about the 17th or 18th of August last; and, inasmuch as it was stated that no military operations could be taken before the latter end of October or November, there was ample time to receive instructions from home. He the more dwelt upon this, because he had seen it industriously circulated, in the Indian newspapers especially, that for any apparent inaction or delay, which some persons were disposed to charge upon the military authorities, Her Majesty's late Government and the Court of Directors and the Secret Committee were mainly and exclusively responsible; that active measures had been pressed upon them by the Indian Government, but that they had been positively prohibited. That was not only not true, but was directly the reverse of true. The three causes to which he had alluded were submitted candidly and impartially to the Government by the Governor General. The first of the courses, the mere occupation of

Martaban and Rangoon, was rejected as inadmissible. Between the other two, he considered the various reasons, and desired the explicit instructions of the Government. The despatch in question, he had already stated, had been received about the 18th of August, and, as the Government then had, fortunately for them, the means of referring to the advice and counsel of that great authority to whom his noble Friend had referred in terms of eulogy, which he could only share with every man in this kingdom—they took the opportunity of consulting with that illustrious man as to the course of proceeding which he would advise, and of submitting to his consideration and judgment the whole of the papers, with the suggested plan of operations, which had been transmitted by the Indian Government. That period was within three weeks of the lamented death of that illustrious man; and he believed that his memorandum upon this very subject was almost the last document which had been prepared by him upon any public matter. It was addressed to him (the Earl of Derby) upon the 24th of August, and contained an explanation of the policy which he recommended to be pursued. He was sure, after the statement which his noble Friend had made, and his reference to the high authority of the Duke of Wellington in 1829, that their Lordships would not think he was improperly trespassing on their time and attention if he read to them that which had been given to him in the form of a memorandum by the noble and gallant Duke—now, alas! no more. In the first place his noble Friend had commented very strongly upon the insufficient cause and origin of the war, and had contended that it had been unjustly and improperly engaged in. The very first paragraph of the illustrious Duke's letter said—"It appears to me that the war could not be averted." It then went on—

> "That the operations fixed upon were judicious; have been ably carried into execution, with great gallantry, by the officers and troops; and that a commencement has been made to require from and enable the Government to consider of the means to be adopted for the restoration of peace, and the terms on which peace should be restored. I concur with the Governor General in thinking that it will be absolutely necessary to retain possession of all that has fallen into the hands of the British troops; that is, Rangoon, Martaban, and even Bassein, Pegu, and the whole province so called. My opinion is, that it will be necessary to continue the preparations for carrying on the operations of the war till the Sovereign of Ava shall be convinced of the necessity of signing a treaty, by the provisions of which all these dominions will be ceded to the British Government, or till the State of Ava shall be destroyed. A mere military possession of these districts would be but an inglorious and little secure result of these successful operations. I confess that I am inclined to expect that the means adopted to cut off from Ava the supplies of corn usually received by import by sea will have the effect of producing efforts to obtain peace by negotiation; but, if not, the British Government ought to be in a state of military preparation to advance upon Ava, to enforce the abandonment of the capital, and even of Amerapoora. It may be relied upon that the natives of the East are not better prepared than we are to abandon their dwellings in the winter, and to live in the jungles and mountains. The Government suspected of intending to take such a course would be abandoned by all its followers. At all events, the military possession and tenure of provinces and possessions upon the sea coast would be considered in a very different light, the Government of Ava being there seated in strength, as under existing circumstances; or being driven out and weakened towards Amerapoora, or further on in the mountains, as is supposed in the printed papers. I conceive, therefore, that it will be necessary to assemble the large force proposed, even though it should be determined to insist upon the cession of all the maritime possessions of the State of Ava. These must be ceded by the stipulations of a treaty of peace, or the State must be destroyed. If, after all, the sovereign should treat for peace in order to save his State, he must be made to pay the expenses of the war. The necessity for providing specially for the security of the people of Pegu, discussed in the Minutes of the Members of the Council, appears to me to be disposed of; but it may be relied upon that that point will have much effect in both Houses of Parliament. It appears to me that the people of Pegu have already by their conduct acquired the right to claim protection by stipulations of treaty, if the province should be restored to the Government of Ava, however objectionable all such provisions of treaties, as leading to, and rendering necessary, interference in the internal affairs of a foreign nation. The demand of the cession would certainly be preferable to restoration with a stipulation of amnesty to the people of Pegu, of which it would be necessary for the British Government to enforce the execution."

He had read this memorandum to their Lordships for the purpose of showing, that with a full knowledge of all the facts of the case—with all the papers of every description before him—with all his previous knowledge of Indian habits and manners—the Duke of Wellington came to these conclusions:—First, that war could not have been averted; next, that the operations proposed were judicious; next, that the measures adopted were performed with great gallantry and success; and, lastly, that in honour to the inhabitants of Pegu, as well as in policy, we were bound not to stop short, but, unless the King of Ava ceded to us by treaty the territory we had already occupied, to advance for those larger operations which had been indicated by the Governor General. He ought not, perhaps, to speak of the views entertained by himself and the other Members of his Government; but he might venture to say that the advice so given by the noble and illustrious Duke—by him who had been, he understood, so ludicrously spoken of as having in his latter days been overcome with childish timidity and imbecility of mind and purpose—that the advice thus given by the noble and illustrious Duke, so clear, so vigorous, entirely confirmed the Government as to the course which it was desirable and expedient for them to take; and they accordingly transmitted those instructions to the Governor General of India—in consequence of which the annexation of Pegu took place, and in further consequence of which, unless an arrangement should be made with the Sovereign of Pegu, or unless contrary instructions were transmitted by those who were now responsible for the management of Indian affairs, a further advance into the Burmese territories would take place, with means and appliances he was quite satisfied, from his knowledge and reliance upon the Governor General, amply adequate to all the emergencies of the case. He was not prepared to discuss with his noble Friend the questions of military tactics he had raised, or possible defects of judgment in any of the officers employed. He was not competent and not called upon to do so; but he must take the liberty of saying, that he had heard with some astonishment the statement of his noble Friend that a large portion of our Army in the district was suffering from sickness. His noble Friend might have some later information on the subject than he himself possessed; but certainly up to the moment when he quitted office it had been a source of most unfeigned satisfaction to himself and his Colleagues to receive, by each successive mail, reports of the increasing good health of the troops engaged in the service, and of the singularly small proportion of invalids in the hospitals. Upon the information he himself possessed, he had no hesitation in expressing the conviction that the forces at the present disposal of the Governor General were quite adequate for the purpose of occupying that province, which, with the good will of the great bulk of the population, had already been annexed. Whatever the disadvantages of any extension of our Indian empire, it must be admitted that this particular annexation would have the good effect of facilitating the communication between our provinces of Tenasserim and Arracan, and of strengthening their frontiers, especially those of the latter district. With reference to larger operations, should these be found necessary, he had the fullest confidence that the Governor General would be quite prepared with all the means and appliances for their vigorous and effective execution.

Lord WHARNCLIFFE said, that as respected the extension of our frontier this was a most important consideration. In the proclamation of the Governor General there was no mention made of any treaty. It stated that if the King of Ava did not acquiesce in our occupation of Pegu, it would become necessary to take further proceedings, but it did not declare that there was any intention to insist on a treaty. It appeared to him, therefore, that the course taken by the Governor General did not comply in one essential point with the course recommended by the Duke of Wellington; and he should like to know whether the papers intended to be laid before the House would include the letter in which Lord Dalhousie wrote for instructions to the Home Government, as well as the instructions which were sent out. The noble Earl (the Earl of Aberdeen) seemed to say, in the course of the observations which he made, that he had not full information as to the views of the late Government. He (Lord Wharncliffe) was left in some doubt, therefore, whether that portion of the correspondence was to be included.

The Earl of ABERDEEN said, that if that portion of the correspondence were omitted, the papers would be very unsatisfactory indeed, and he could assure his noble Friend that he did not mean to say that he was not in full possession of the views and intentions of the late Government: far from it.

Then it was moved by the Earl of ELLENBOROUGH—

"That there be laid before this House an account of the expense already incurred in the war with Ava, and an estimate of the probable expense to be incurred in the current year."

On Question, *agreed to,* and ordered accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 24, 1853.

MINUTES.] PUBLIC BILLS.—1° Inland Revenue Office; County Elections Polls (Scotland).

BLACKBURN ELECTION COMMITTEE.

MR. DEEDES appeared at the bar of the House, and brought up a Report from the Select Committee appointed to try and determine the matter of the election petition of Dr. W. Forest and others, complaining of an undue election return for the borough of Blackburn. The Committee had determined that William Eccles, Esq. was not duly elected to serve in the present Parliament for the Borough of Blackburn:—that the last election for the said Borough, so far as regarded the said William Eccles, Esq., was a void election. The Committee had also come to the following resolution:—That the said William Eccles, Esq. was, by his agents, guilty of bribery at the last election for the said Borough. The Report also set forth several instances in which persons were bribed; but the Committee reported that it was not proved that the said acts were committed with the knowledge or consent of the said William Eccles, Esq. It was also further proved that treating to some extent was practised at the last election by the agent of the said William Eccles, Esq., but it was not proved that the said William Eccles, Esq. was cognisant of the same.

THE SUIT OF GREEK ARMOUR.

MR. CRAVEN BERKELEY said, he wished to ask the hon. Gentleman the Clerk of the Ordnance whether a statement which had appeared in the public papers was true or not. It was stated that a suit of Greek armour was to be sold, and the price originally asked for it was 50*l.*; but subsequently it was put up to auction, and at the sale two persons, both of whom were employed by the Government, attended, and bid against each other, so that the suit finally cost the Government 250*l.* The two persons so bidding were utterly ignorant of each other, and when the sale was over, and one of them asked the other whom he was bidding for, he was then told that it was for the public. He wished to know first, whether the circumstances he had stated were true or not; and if they were true, whether the Government could sanction such an absurd expenditure of the public money?

MR. MONSELL begged to say, in reply to the hon. Member, that in many particulars the statement to which he had referred was incorrect. The suit of Greek armour was of great value and of great antiquity. It was the wish of the authorities at the Tower that it should be purchased for the public. It was originally valued at 300*l.*, but at the sale it was purchased for 200*l.*, not 250*l.*, as the hon. Gentleman had stated. At the auction there were not two brokers engaged in bidding, but three; and the third broker, who was not employed by the Government, was ascertained to be the person who had been increasing the bidding. The Tower was unquestionably the proper place for such articles to be deposited in, and care ought to be taken by the authorities of the British Museum, when such cases arose, to give timely notice of their intention to endeavour to obtain possession of such articles. With respect to the fund out of which the money came for the purchase of such articles, he could inform the hon. Gentleman that it was not out of the public purse, but out of a fund arising from the sixpences paid by persons who went to visit the Tower. There was generally a surplus of 300*l.* over and above the expenses of the establishment, and it was out of that surplus that the armour in question, according to the usual practice, was bought.

CHICORY AND COFFEE.

MR. HUME said, he wished to inquire of the right hon. Chancellor of the Exchequer what was the decision to which Her Majesty's Government had come respecting the admixture of chicory with coffee?

The CHANCELLOR OF THE EXCHEQUER: Sir, when Her Majesty's Government acceded to office I found the question relating to the mixture of chicory with coffee in this condition:—A Minute was passed in July, 1852, prohibiting that mixture, and laying down certain regulations for the sale of the two articles. Three months were allowed to the traders to get rid of their stock of the mixed articles, and consequently the Minute did not take effect until the 3rd of November. Subsequently to the 3rd of November the parties affected by that Minute addressed representations to the Treasury, and they had certain interviews with the then First

Lord of the Treasury upon the subject. Those communications were, in fact, going on upon the subject of the Minute at the time when the present Government came into office. At that period no prosecutions had been instituted with the view to enforce the Minute recently passed. The consequence was, that when I became Chancellor of the Exchequer I found that Minute under discussion and consideration. No measures had been taken to give full operation to the law; therefore the parties very naturally made an immediate application to me, or rather continued the application they had been making to the previous Government, calling for a reconsideration of the Minute. It appeared to me under these circumstances to be my duty to reconsider the Minute upon its merits *ab initio*, and not to deal with it as I should have done if I had found it in full operation. This investigation has been one of no small difficulty; but it has been narrowed to a certain extent, and the difficulty has been limited by the request of the parties adverse to the Minute. They no longer ask the Government to fall back upon the system which prevailed before the passing of the Minute, because the Government might in some sense be considered accessory to fraud if they were simply to repeal the Minute of last July. They have confined themselves to requesting, not that all the restrictions might be removed, but that they may be permitted to sell the article of chicory mixed with coffee under labels designating it as such mixture. After this representation made by the parties, and after a full investigation of a variety of statements on the opposite side, proceeding from parties engaged in the trades of grocers and coffee dealers, and those in connexion with the colonial interest in Ceylon, and after maturely weighing the interest the revenue has in this question, and the interest the public have in the character of the mixture itself—under all these circumstances, the Government have come to the conclusion that they will best consult the public interest by acceding to the request of the parties who have asked for a modification of the present system—that is to say, by allowing the article of chicory to be sold in a state of mixture with coffee, provided it is so distinctly designated by labels attached to the packets; but at the same time by attempting to give full effect to the restrictions in all other respects connected with the sale of chicory. I will not now enter into a discussion of the reasons upon which this course has been adopted by the Government. If any Gentleman wishes for such a discussion, I shall be prepared to enter into the details.

Mr. DISRAELI wished just to state to the House that the late Government did not accede to any suspension of the Minute.

The CHANCELLOR of the EXCHEQUER: I did not state that the late Government gave any authority for suspending the Minute; all I said was, that three months were allowed to the tradesmen to get rid of their stock.

Mr. CAYLEY asked whether the labels were to state the proportions of chicory and coffee?

The CHANCELLOR of the EXCHEQUER: The proportions would not be stated on the label. It would be simply in these terms:—"Mixture of chicory and coffee." This would be distinctly and legibly placed on the package.

Mr. HASTIE wished to know whether the same privileges were to be extended to persons who sold pepper?

The CHANCELLOR of the EXCHEQUER: I must first understand what the hon. Gentleman means — whether he is anxious to mix chicory with pepper. But, if he asks whether it is intended to allow dealers in pepper to mix rice with it, I should say, certainly not. The plain distinction is this—that the mixture of rice with pepper is an adulteration and a deterioration of the article, but the mixture of chicory with coffee is no adulteration and no deterioration.

Subject dropped.

LEADERSHIP OF THE HOUSE OF COMMONS.

Mr. CAYLEY: Sir, I wish to put two questions to the noble Lord the Member for the City of London, of which, for obvious reasons, I have not given notice. My questions are—first, whether it is true, as reported, that the noble Lord no longer holds the Seals of the Foreign Office; secondly, whether his situation in the Government is at present unconnected with any office to which a salary is attached?

Lord JOHN RUSSELL: Sir, in answer to the first question of the hon. Gentleman, I have to say that it is true that I have resigned the Seals of the Secretary of State for the Foreign Department, and that Her Majesty has been pleased to confide them to the Earl of Clarendon. In answer to the second question, I have to state that I do not at present hold any office in the Government to which a salary is attached.

Mr. CAYLEY: Then, Sir, I give notice, that I shall move, on the first opportunity, and in the way most conformable to the importance of the subject, a Resolution to the effect that, considering the great increase which has taken place of late years in the business of this House, and the corresponding increase in the amount of labour aad responsibility which devolve upon the leader of this House, rendering it next to a physical impossibility that he should conduct the business of this House, and at the same time satisfactorily discharge the duties of one of the great departments of the State, it is desirable that a salary should be attached to the leadership of the House of Commons (an office second to none in the Government), commensurate with its duties and resposibilities, whenever it is held unconnected with any salaried office.

THE NORWICH ELECTION PETITION.

Mr. T. DUNCOMBE said, before proceding to call the attention of the House to the subject of which he had given notice, he had a petition to present from Colonel Dickson, a candidate for the representation of Norwich. He would move that it be read by the clerk.

[The petition of Colonel Dickson was then read. It complained of the injustice which the petitioner had suffered by the unauthorised withdrawal of the petition by Mr. Henry Brown, the Parliamentary agent, and concluded with a prayer that the petitioner might be heard at the bar of the House.]

Mr. T. DUNCOMBE said, he now rose to call the attention of the House to a breach of its privileges by the unauthorised withdrawal of the petition presented against the return of the sitting Members for the city of Norwich. He considered that the subject of which he had given notice was one which demanded the serious attention of the House, not only because it involved a contempt and a breach of the privileges of that House, but because it also involved an infringement of what had been always considered the sacred right of the people to petition that House for the redress of their grievances. If the House agreed to the Motion with which he would conclude, and called Colonel Dickson, the petitioner, and certain other parties to the bar it would appear, he believed, that a breach of privilege and a contempt of the House had been committed.

Mr. WILSON PATTEN rose to order. He wished to take Mr. Speaker's opinion whether this question really involved a breach of privilege.

Mr. T. DUNCOMBE said, he also rose to order, because it was impossible to tell whether there had been a breach of privilege until he had made his statement. He (Mr. Duncombe) knew very well that an attempt would be made to strangle this Motion; and he hoped that the independent part of the House would prevent their Chairman of Ways and Means from using his ways and means to swamp this petition, and to preclude him (Mr. Duncombe) from stating his case. He undertook to prove, by witnesses at the bar of the House, that not only a breach of its privileges but a gross fraud had been committed by a Parliamentary Agent—a person appointed by the House itself; and if he succeeded in proving that, if the House wished to retain one particle of public respect, the House must not only visit with its displeasure the guilty parties, but must grant redress to those who in the most constitutional manner—by petition—had laid their grievance before the House and claimed protection at its hands. He therefore appealed to the Chair to know whether he was to be allowed to proceed with his statement.

Mr. SPEAKER would say, on the point of order, that if the petition of the parties, which had been read by the clerk at the table, contained all the facts of the case, a breach of the privileges of the House was not involved in its allegations, although, no doubt, it alleged that the agent had acted acted most improperly in withdrawing the original petition. If, however, the hon. Member for Finsbury had any further facts to adduce, of course he (Mr. Speaker) could not say whether they might not involve a breach of the privileges of the House.

Mr. T. DUNCOMBE continued: The petition did not contain all that he meant to bring before the House. He confessed that his attention had been drawn to this subject by an advertisement which appeared in the morning papers of Wednesday, which was as follows:—

"To the Conservative Electors of the City of Norwich.

"Gentlemen—It was with the utmost astonishment that I observed by the morning journals that your petitions against the sitting Members for the city of Norwich had been withdrawn. It is, however, highly gratifying to me to be informed that this act has been perpetrated without your knowledge or consent. I hastened to require Mr. Brown, the Parliamentary Agent, to explain this most unwarrantable proceeding, but all that I could learn from him was that he 'had done it for the good of the party.' Gentlemen, as a candidate for the honour of representing you in the Commons House of Parliament, I denounce this most scandalous and political piece of jobbery, thus compromising, as it does, your interests, and that of the party to which you belong. Be assured no effort on my part will be withheld to obtain the restoration of the petitions to their legitimate place, for the purpose of having them dealt with by a Committee of the House of Commons.—I have the honour to be, Gentlemen, your most obedient servant, "LOTHIAN S. DICKSON.

"10, Stanhope Terrace, Hyde Park
Gardens, Feb. 19."

He (Mr. Duncombe) had put himself in communication with Colonel Dickson, to ascertain whether this matter might not be an electioneering hoax, but that gentleman informed him that it was a real *bonâ fide* case, offering at the same time to come to the bar of the House and prove, not only that a fraud had been committed, but that a breach of the privileges of the House had been perpetrated by the parliamentary agent who withdrew the petition against the return. The House was aware that the Act of Parliament allowed election petitions to be withdrawn, provided notice was given under the hand and signature either of the petitioners themselves or their agent. Now, he found by the Votes that on the 14th instant Mr. Speaker announced to the House that he had received notice from Messrs. Thompson, Debenham, and Co., that the petition against the return for the city of Norwich was not intended to be proceeded with, and consequently the order was discharged. Now, he (Mr. Duncombe) asserted that Mr. Brown was no agent at all; and was it to be permitted that any person could write to the Speaker of the House of Commons, and say that a petition was to be withdrawn without the knowledge or consent of the petitioners, and then go and boast that "he had done a good turn for the Members of West Norfolk by the withdrawal of the election petition for the city of Norwich, and that they had thrown over Dickson?" If this had been done, had no fraud been committed, had no contempt and no breach of the privileges of the House been perpetrated, and ought no redress to be granted to the petitioners? He, therefore, wished to have Colonel Dickson and Mr. Brown examined by the House on this subject, and he would now move, as a first step, that Colonel Dickson be called to the bar.

MR. HUME said, he quite agreed in everything that had fallen from his hon. Friend as to the necessity of inquiry; but he begged to suggest, as the House had not seen the petition, and had only heard it read by the clerk, that they ought to postpone the consideration of the subject till to-morrow, and that the hon. Member for Finsbury should move that the petition be printed with the Votes, in order that the House might learn the facts of the case.

MR. WILSON PATTEN said, he entirely approved of the suggestion of the hon. Member for Montrose. He wished to defend himself from the imputation of the hon. Member (Mr. T. Duncombe), that he wished to swamp the petition. The very reverse was his object. It was in order that the petition might not be defeated by improper means, and that it should be introduced with the best chance of success, he had interfered. The best course would be to refer it to the Committee of the hon. Member for West Surrey (Mr. Drummond) on Corrupt Practices at Elections. The case was clearly not a breach of privilege. The hon. Member said he would state something beyond the contents of the petition; but he had not adduced a single fact in addition to those read by the clerk.

MR. T. DUNCOMBE: I will prove them at the bar.

LORD JOHN RUSSELL said, he believed the best course for the House to take was that which had been recommended by the hon. Member for Montrose (Mr. Hume), namely, that the petition should be printed, that the House might have an opportunity of considering it, and then would be the time to consider whether the House ought to deal with the petition itself in the way which the hon. Gentleman proposed, or refer it to a Committee. But it was quite premature now to give any opinion on the question.

MR. T. DUNCOMBE said, that he had moved that Colonel Dickson be called to the bar.

MR. SPEAKER said, he thought it would be establishing a very inconvenient precedent if a Motion of this kind were to be brought on as a question of privilege, merely because an hon. Member thought it a question of privilege. From the petition, as it had been read, it appeared to him that Colonel Dickson complained that the party who acted as his agent had withdrawn, without his knowledge or consent, his petition against an undue return for the city of Norwich. Now, the practice was for petitions to be withdrawn by the parties and their agents. Of course the party was bound by the act of his agent; and although it might be a very proper question to inquire into whether the agent had acted without authority, still, as a question of privilege, he did not think that any privilege of the House had been interfered with in the matter.

Sir GEORGE GREY said, he was of opinion that the course for the hon. Gentleman (Mr. T. Duncombe) to take, in accordance with the suggestion which had fallen from Mr. Speaker, was to move that the petition be printed, and then to give notice of any Motion which he might wish to found upon that petition.

Mr. T. DUNCOMBE said, the question was, had or had not a fraud been committed upon this House?

Mr. WALPOLE said, he would suggest that the question before the House was not as to whether an act of fraud had been committed, but whether the Motion which the hon. Gentleman had now made could take precedence of the notices of Motion upon the paper. By the Act of Parliament every Parliamentary agent had the power of withdrawing a petition; and, although it might be the duty of the House to inquire into the case, that did not make it a question of privilege. A dangerous precedent would be established if this Motion were allowed to proceed now, and it was one which might cause great interference with the business of the House upon other occasions.

Mr. T. DUNCOMBE said, he would not press his Motion now, if the House thought it inexpedient, but would content himself for the present with moving that the petition be printed with the Votes.

Motion *agreed to.*

NEWRY ELECTION COMMITTEE.

Mr. LASCELLES reported from the Select Committee, appointed to try and determine the matter of the petitioner complaining of an undue election and return for the Borough of Newry, that William Kirk, Esq., the sitting Member, had been duly elected a Burgess to serve in the present Parliament for the Borough of Newry. He further wished to inform the House that the Committee had agreed to a Resolution, the effect of which was, that having examined the Agents on both sides, in order to ascertain the circumstances under which the said petition was withdrawn, the Committee did not feel that the case called for any special remark by them with reference to the forbearance from the prosecution of that petition.

TRANSPORTATION TO THE AUSTRALIAN COLONIES.

Sir JOHN PAKINGTON said, he hoped the House would not consider that he trespassed upon their time, or that any apology was necessary for calling their attention to the condition of the Australian Colonies, and the policy which it appeared to him should be adopted by the Imperial Government towards them under the extraordinary and unexpected circumstances in which they were placed. For some years past there had been a growing and increasing inclination evinced on the part of that House to give its attention to Colonial affairs; and certainly there were no parts of Her Majesty's Colonial dominions which at this moment excited greater interest, either in that House or the country, than those which were situated in Australasia. Those colonies had always been free from the difficulties connected with variety of races which had occurred in several of our dependencies that had been acquired by conquest; they had been peopled from the inhabitants of these islands; they had enjoyed very great prosperity, and were favourably circumstanced as to climate. They had consequently attracted much of the attention of that House. No longer ago than last Session the House devoted much of its consideration to the Colony of New Zealand; and in the year 1850, under the Government of the noble Lord the Member for the City of London, Parliament discussed and adopted a constitution for the colonies of Australia, unconscious at that time of the important discoveries of gold which were then impending in those colonies. Towards the close of the year 1850 those extraordinary discoveries of gold took place, bringing about a new state of things in those regions, stimulating their prosperity to a marvellous extent, and giving a redoubled impetus to emigration from this country and other parts of the world; and whatever interest had formerly been taken by Parliament and the country in the Australian colonies had been very greatly increased by these startling events. He did not know that there were any statistics in this country which could enable him to state the exact quantity of the precious metals which these colonies had produced within the short period of little more than one year in which the whole of the gold fields had been worked; but he believed that he would not be overrating the amount if he estimated it at not less than 10,000,000*l.* sterling. Of course these immense discoveries had caused a great rush of population to these colonies, and greatly tended to conduce to their material prosperity; but he wished to guard himself against exaggerating the prosperity which those discoveries had occasioned, and against stimulating the amount of emigration to which they might give rise. On the contrary, it appeared to him very desirable that the truth should be known in this respect; and so far from the emigrants from this country having met with universal success, they had had in many cases to encounter very great suffering and much disappointment. He did not now refer to the great sickness and mortality which had prevailed, he was sorry to say, on board of some of the emigrant ships last year, though this was a subject which required and deserved the attention of Parliament. But, irrespectively of the sufferings which prevailed on board those ships, the emigrants in many instances had landed in Australia labouring under severe sickness and privation. Weakened by a protracted voyage, they had found they were unable to compete with the fatigues and hardships which work at the gold mines involved, increased from the working of those mines being carried on at a considerable depth under ground. Great sickness had, in many cases, been the consequence of a description of labour wholly new to persons who had been accustomed to ordinary industry in this country; and he believed that very many of those who had gone out with high-raised hopes were likely to return to this country, disappointed in the expectations they had formed. He had said thus much in order to show that in the remarks he was about to make, he had no intention of saying anything unduly to stimulate, while on the other hand he did not wish unduly to discourage, the tide of emigration which was flowing from this country towards those distant colonies, and he would now proceed shortly to explain the object he had in view in soliciting the attention of the House. It was the fortune of the late Government to hold office during the year in which the earliest effects of the extraordinary discoveries of gold in the colonies where they occurred began to be felt, for it was during last year that the full effect of the gold discoveries in the increased prosperity and rapidly increasing population of the Australian provinces was first made manifest. In his endeavours to discharge the duties of the arduous office in the late Government which he had the honour to hold, nothing had given him more anxiety than that the extraordinary crisis which had arisen in the Australian colonies should be met by the Government of this country in a generous and liberal spirit, such as was calculated to promote the interests both of the colonies and the mother country. He desired now to state, and in no boastful spirit, the policy which the late Government thought it their duty to adopt in respect to the future administration of those colonies, and, in no spirit of undue distrust or suspicion, to call upon the Government of which the noble Lord was the leader in that House, to state whether or not it was their intention for the future to pursue the policy which the late Government had commenced, or, if they intended to deviate from that policy, what would be the nature and extent of that deviation. In taking this course he should not detain the House by entering into the early history of those Australian colonies. The House was, of course, aware that the colony of New South Wales had been founded towards the close of the last century, and was originally entirely a convict settlement. Nothing could be more remarkable than the rapid progress of New South Wales from the period at which it ceased to be exclusively a convict colony, and when the departure of many freemen from this country to reside on its shores gave it the interest attaching to those dependencies of the Crown to which the inhabitants of this country carried their energies and industry. In the year 1830 the imports of New South Wales amounted in value to 420,418*l.*, and the exports to 131,461*l.*, whilst the population numbered 55,000. Passing over twenty years, to 1850, he found that in that year the imports of New South Wales had increased to 1,333,413*l.*, and the exports to 1,357,784*l.* This showed an astonishingly rapid increase in the material prosperity of the territory, which was still more extraordinary during the following year, 1851, in which he had already mentioned that the gold discoveries took place. The imports for that year rose to 1,563,931*l.*, and the exports to 1,796,912; and the population, which in

1830 was only 55,000, had increased to 197,153, or, in round numbers, 200,000. Thus the imports for 1851 were at the unusual, if not unprecedented, rate of about 8*l.* a head of the population of all ages, and the exports at the rate of about 9*l.* a head of all ages. These facts showed a rate of prosperity which had hardly been equalled in any other community. He would now beg to call the attention of the House to the still more extraordinary progress of the colony of Victoria. He did not know whether all who heard him were aware that the great and prosperous colony of Victoria, only eighteen years ago, was an untouched wilderness, in which not a single civilised Englishman had yet fixed his abode. Another fact he might perhaps be allowed to mention, in no degree for the purpose of censuring the statesmen to whom it referred, but rather with the object of showing how little human foresight and wisdom had in reality to do with the great changes which in many cases take place around us. About the year 1834 some persons in Van Diemen's Land who were anxious to establish a settlement in Port Phillip applied to the Home Government on the subject, and in December, 1834, the present Prime Minister the Earl of Aberdeen, who was then Colonial Secretary, wrote a despatch in answer. In the following month of July, 1835, Lord Glenelg, who had succeeded the Earl of Aberdeen in the Colonial Office, wrote another despatch on the same subject. Both those despatches were to the effect that no settlement could be allowed at Port Phillip, and declared explicitly that such a settlement would be opposed to the policy of England, which was rather to concentrate than to extend the population of those colonies, and would involve expenses which it would not be worth the while of this country to incur. Happily for both countries British enterprise and British spirit had anticipated the decision of those statesmen, and before these answers had been received in Australia some active and energetic men had established themselves in Port Phillip. That was in the year 1835. In 1845, after the lapse of only ten years, the imports of this infant settlement amounted to 248,000*l.*, the exports to 464,000, and the population to 28,000. In 1851, after six years more had passed, the imports had risen to 1,056,000*l.*, and the exports to 1,423,000*l.*, whilst the figures of the population had been reversed, for instead of being 28,000, it had increased to 82,000. Such was the rapid increase of the colony of Victoria, which the Earl of Aberdeen and Lord Glenelg had pronounced ought not to be founded, and which, only eighteen years ago, it was considered by official men impolitic to establish. He repeated that, in adverting to these facts, he intended no censure. He was willing to admit that, had he been in their position, he should probably have arrived at the same decision as they did. He now wished to call the attention of the House to what had been the immediate effect of the discoveries of gold upon the material prosperity of this colony. He asked leave to compare the revenue of Victoria for the quarter ending June 30, 1851, with the corresponding quarter of 1852. For the quarter ending June 30, 1851, the revenue of Victoria amounted to 35,994*l.*; that was the general revenue. For the same quarter in 1852 the general revenue had increased to 98,456*l.*, being an increase of 62,462*l.* The Crown revenue in the same quarter of 1851 amounted to 87,874*l.*; in the corresponding quarter of 1852 it was 186,579*l.*, showing an increase of 98,705*l.*, and a total increase of Crown and general revenue of 161,167*l.* In a few months the population, which in 1851 was 82,000, had 120,000—a result of the enormous influx of immigrants. This would show the House the extraordinary progress of the colony of Victoria, and would show that the state of those colonies was such as to require the serious consideration of the late Government. He would now state what had been the amount of emigration to those colonies during the last few years, with the view of showing the increase that had taken place subsequently to the marvellous discoveries to which he alluded. In 1849 the emigration from this country to Australia was 32,191, in 1850 it was 16,681, in 1851 it was 21,532, but during the last year, 1852, it increased to 87,434. Such was the state of things to which the attention of the late Government had been directed. In considering the policy they ought to adopt towards those colonies, their unhesitating decision was that they were bound to meet the demands preferred in a confiding, trustful, and generous spirit, and that we at this distance from those colonies could not judge of their local interests, or of the expenditure necessary to promote them, so well as the colonists could judge of those matters for themselves, and that we ought to place that confidence in them as English subjects, and men accustomed to the freedom and institutions of this country, which they claimed the right to share, and which they were so well entitled to possess. The late Government were confirmed in that determination by the very honourable development of national character which had been witnessed in the present extraordinary circumstances of the colony, and which he thought he should fail in the duty he had undertaken if he did not bring under the notice of the House. Nothing could surpass the creditable and honourable manner in which the thousands engaged in the mining operations of the Australian colonies had up to the present time conducted themselves—in the colony of Victoria, more particularly. The House would bear in mind that until the steps taken by the late Government in the course of last year, so sudden was the change of affairs, and so completely did the discoveries of gold take the country and the authorities by surprise, that the Executive Government in Victoria was unprovided with any means of adequate control over the vast population which flocked within its boundaries. Throughout the whole of 1852, both in New South Wales and Victoria, though he did not mean to say that no crimes or disorders occurred, yet the general conduct of the persons engaged in mining adventure had been most moral and creditable. The local Government, to their credit, took early means to provide the persons assembled at the diggings with the means of divine worship by the appointment of ministers; and, notwithstanding the temptations of this extraordinary scene, the Sunday at all those spots had been for the most part properly observed, divine worship had not been neglected, and the conduct of the people had been on the whole most exemplary. He ought to mention another subject, no less honourable to one branch of the service on which we relied with confidence for our defence—he meant the British Army. Until last autumn the Government of Victoria had no troops except a handful of some fifty soldiers belonging to one of our regiments of the line, who had no barracks, but were billeted about the town of Melbourne. Yet, in spite of all the temptations to which they were exposed at a place within seventy miles of the field of wealth, it was a fact highly honourable to the British Army, that up to the time at which he (Sir J. Pakington) left office he had not heard of a single instance of desertion or misconduct on their part. Looking, then, to the unexpected expenses to which the Government of Victoria was exposed for the preservation of order at the gold diggings, the late Government determined to place at the disposal of the local Government the revenue arising from the gold discoveries. Accordingly, in June last, he sent out a despatch, in which he announced that the revenue derived from the gold was to be regulated by the local Legislature, and expended by them. A despatch was also transmitted, in which the Governor was informed that to aid in maintaining order a regiment of infantry would be sent to the colony, and the naval assistance which might be requisite would also be provided. That was the policy which the late Government regarded as most likely to conduce to the welfare both of the colony and the mother country, and they trusted it would be accepted as conciliatory and fair. Very shortly after, he had, with the concurrence of his Colleagues, sent out that despatch, there arrived in this country a petition from the Legislature of New South Wales which attracted at the time very considerable attention, being brought before the other House by a noble Lord now holding office in the present Government—the Duke of Argyll; whilst in that House it was presented by his noble Friend then Secretary for Ireland (Lord Naas). The prayer of that petition contained a bold and energetic declaration of what the inhabitants of New South Wales considered to be their rights, and of the demands which they thought themselves entitled to make on the Government of this country. That petition, which received the earnest attention of Her Majesty's Government, was, in fact, the renewal of a petition and remonstrance sent to this country six months before. In June, 1851, the then expiring Legislature of New South Wales, which was in existence before the Act of 1850 came into operation, adopted this declaration and remonstrance. It arrived in this country in December, 1851, and was answered by Earl Grey, then the Colleague of the noble Lord opposite (Lord J. Russell), and his (Sir J. Pakington's) predecessor in the Colonial department. In a despatch written in the month of January, 1852, the noble Earl distinctly refused every one of the prayers comprised in the petition of the colonists. Just before the Government of the noble Lord opposite went out of office, and within a week of the time at which Earl Grey wrote that despatch refusing the prayer of the expiring Legislature of New South Wales, the new Legislature, elected in the intervening time under the operation of the Act of 1850, adopted the same declaration and remonstrance as their predecessors, and this was the petition to which he had adverted as having been received in this country in the course of last summer. They stated in emphatic language their entire adoption of the prayer of that petition, the last words of which showed the deep interest felt by the inhabitants of New South Wales in this question.

> "Solemnly protesting against these wrongs, and insisting upon these our undoubted rights, we leave the redress of the former and the assertion of the latter to the people whom we represent and the Legislature which we address."

The objects sought for by the petitioners were arranged under five heads: the first, a complaint of the civil list fixed by the noble Lord (Earl Grey) under the Act of 1850; second, a request that the lands of the colony might be placed under the control of the colonial authorities, instead of that of the Imperial Government at home; third, a reform of the Customs; fourth, that all patronage to Government offices might be left entirely in the hands of the local authorities; fifth and last, that all legislation upon local subjects might be finally disposed of in the colony without reference to the Imperial Government at home, that was to say, without requiring the assent of the Crown. The Government of the noble Lord opposite having refused all compliance with the prayers of the colonists on any of these points, he hoped the House would permit him to state the answers returned by the late Government, and he would enumerate these in reverse order to that in which he had stated the list of demands. First, with respect to the prayer for final legislation, he entirely agreed with the answer sent by Earl Grey to this part of the petition, that it was a subject on which it was extremely difficult to meet the views and objects of the petitioners. He did not know how far the noble Lord opposite, or Earl Grey, might be disposed to agree with him, when he said that on principle the late Government had no objection to this prayer, but a serious difficulty arose with respect to the possibility of granting it. He begged to read what fell from the noble Lord the Member for London on this very subject, in the able and interesting speech he made upon our colonial policy at the commencement of the Session of 1850:—

> "Another scheme which has been proposed is, that a certain description of laws adopted, by the colonial legislatures should require the assent of the imperial authority, but that, with regard generally to the acts of the colonial legislatures, no such sanction should be requisite; and that a line should be drawn between those laws which require the assent of the Crown, and those which should be enforced without such assent. Now, Sir, I do not believe that it is possible to draw any such distinction. I think we had a strong proof of this in the debates which took place last year with respect to a measure which was passed by the House of Assembly, by the Legislative Council, and by the Governor of Canada. It was asserted in this House that that was a measure which ought not to receive the assent of the Crown, and that Her Majesty ought to reject it, although it had been affirmed by all the Canadian authorities. The Government, on the other hand, maintained that it was a matter of local government, and that the will of the colony, expressed deliberately by the legislature, ought to be affirmed. I do not wish to revive that contest. I may say, however, that my opinion is very strong that it was a matter for the local authorities to decide; but I mention this as an instance of the difficulty there would be in drawing a precise line, and to show that any attempt to draw such a line would be most likely to raise disputes as to whether a particular law came within or stood without that line. I believe that any man acquainted with the administration of the colonies will come to the conclusion that it is only in rare cases that the authority of the Crown ought to be interposed; and that, with respect to local affairs, the executive and legislative authorities of the colony are the best judges."—[3 *Hansard*, cviii. 547.]

He must say, that on this subject he entirely concurred with those expressions of the noble Lord, and the views laid down in the despatch of Earl Grey. He thought that any interference on the part of the Crown, by disallowing local acts, should be of rare occurrence, and that only under special circumstances imperatively calling for it; and he should be glad to see a line drawn, if it were possible to do so, between local and Imperial legislation, and some such distinction established as that between public and private Bills with ourselves. But he felt the difficulties which the noble Lord had pointed out, and he believed that the practical effect of any of the plans which had been yet suggested would be to restrict rather than to enlarge the powers of the Colonial Legislature. On this point, therefore, the late Government returned an answer in effect the same as that of Earl Grey. With respect to the demand that all patronage should be vested in persons resident in the colony, Her Majesty's Government answered that they thought that for the sake of the colonists themselves—though doubtless persons who had displayed ability in the colonies were entitled to local promotion—it would not be advisable to exclude the introduction of fresh persons into the colony, when it might be the pleasure of the Crown to send them out to fill offices of trust and emolument. The general rule was for the Governor to select persons among the colonists for public employments; and he agreed with Earl Grey that it was impossible for the Government to recognise any monopoly of a right to such situations on the part of the inhabitants of New South Wales, so as to preclude them from being bestowed on others of Her Majesty's subjects. With respect to the Customs, Earl Grey had made changes which met the wishes of the colonists to a great extent, and as they had put that branch of the public service on the same footing there as at home, he thought little ground of complaint remained under this head. On the next subject, one of great importance, they arrived at a different determination from their predecessors. The civil list had always been a great grievance to the colony of New South Wales, and the enormous amount of 70,000*l.* a year was saddled upon them under circumstances which, whether it was so intended or not by Earl Grey, prevented them from exercising any control except in the most unimportant trifles. On this point the late Government thought it impossible to withhold their assent to the demands of the colonists, and they, therefore, called on the colonists only to provide such a civil list as would secure sufficient salaries to official persons residing in the colony. The remaining subject that he had to bring under the notice of the House, was of far the greatest importance, that of the disposal of the waste lands of the colonies. He saw an hon. and learned Gentleman opposite who was much more conversant with it than anybody else, he meant the hon. Member for Kidderminster (Mr. Lowe), who, when a member of the colonial legislature, he believed, was himself a party to a very able correspondence carried on for a long period between the Legislature of New South Wales and the Colonial Department in this country with respect to the maintenance or repeal of the Land Sales Act now in operation. The point of all others on which the Legislature of New South Wales felt the greatest interest and anxiety, was that of the disposal of the waste lands. Earl Grey, as he had said, distinctly refused the request of the colonists. One point, that of right, the late Government felt, with Earl Grey, that it was impossible to concede. Upon this subject Earl Grey said—

> "It is my duty not to withhold the expression of my decided dissent from the doctrine that the waste lands in New South Wales, or the revenue derived from them, are in any reasonable sense the exclusive property of its inhabitants, or that their representatives ought to have as of right the control and disposal of that revenue."

The late Government agreed in these opinions of Earl Grey, and felt that it would be impossible to admit as a matter of right that which, if admitted, would belong as fully to the 4,000 inhabitants of Western Australia as to the 200,000 inhabitants of New South Wales, and which would indeed have equally belonged to the first few families which settled in a corner of New Zealand. The right to the waste lands was, in the opinion of the late Government, vested in the Crown. Earl Grey admitted that it might be desirable to transfer the control of the waste lands of a colony to its local legislature; but he thought the time had not yet come. The point which the late Government differed from Earl Grey, was in thinking that the time had now arrived at which this concession ought to be made. Looking at what had been done in other colonies, at the circumstances of the question in Canada, and the concessions made only last year by the New Zealand Bill, which yielded this very point of the management of the waste lands; knowing, also, the great weight attached to this point by the inhabitants of New South Wales, and the urgent terms in which their petition stated their wishes, the late Government arrived at the decision that they would best discharge their duty to the Crown, and consult the interests both of this country and the colonists, by giving up to them the management of their waste lands. It was enacted by the Land Sales Act that not less than one half the produce of the land sale should be devoted to the furtherance of emigration. For some years that Act worked well; but, looking to what was now passing there, and to the rapid increase of their population and wealth, the late Government thought it should in future be left to the local legislature to decide at what rate it would be most beneficial to the people generally that their land should be sold; and how far it was desirable for them to spend their revenue in promoting emigration from this country. For under existing circumstances it was far more important to them to receive an addition to their population, than it was to us that the present rapid tide of emigration should continue to flow from this country. He had already stated that the number of emigrants from this country to Australia amounted last year to 87,434, of whom only 34,329 were sent out by the funds remitted home under the Land Sales Act, the great majority having gone out entirely independent of the funds provided under the operation of that Act. On these reasons the late Government determined to concede this important boon to the colonies, attaching to it, however, certain conditions which it was right that he should mention. It appeared to them that, independently of recent events, it was clear that these colonies had outgrown their present form of constitution; that it was not conducive to their welfare that they should continue to be governed by a single Legislative Chamber, but that it was desirable that there should be two chambers in each of these great colonies. The late Government thought this change, which had long been desirable, had become much more so in consequence of the rapid advance which these colonies had lately made in material prosperity; and that when they were conceding to the colonies entire control over the revenue derived from the gold licences, which in the colony of Victoria amounted last year to no less than 80,000*l.*, and also of that derived from the land sales, it would be for the interest of the colonies that this control should be exercised by a double rather than a single chamber. And he hoped that, notwithstanding what passed in 1850, the present would not differ from the late Government in this respect. In that year, the late Secretary for the Home Department (Mr. Walpole) moved as an amendment on the Government plan, that there should be a double instead of a single chamber in the Australian colonies; he was unsuccessful, being defeated by the then Government. It was a second time advanced, and unsuccessfully, by the right hon. Baronet the Member for Southwark (Sir W. Molesworth), who had long taken so much interest in colonial matters that it caused him (Sir J. Pakington) some surprise to see the right hon. Baronet intrusted with the care of parks and gardens; and he regretted also to find that the right hon. Baronet was not present on this occasion. [Lord John Russell: He is ill.] Then, he regretted the cause of his absence more than the absence itself. Notwithstanding this, however, he believed that even before the recent great discoveries and concessions, the general sense of the House of Commons, and of those who took most interest in Australian affairs, was in favour of these colonies being governed by a double chamber. Indeed, he never clearly understood the ground on which the Government of the noble Lord refused it. It was no doubt alleged that the colonies themselves did not desire it; but he (Sir J. Pakington) scarcely knew the ground on which that statement rested. There was certainly a petition from Geelong, in Victoria, in which they stated that they were at that time more anxious to be separated from New South Wales, and to be erected an independent colony, than about the form of their constitution: and they asked that they might then retain a single chamber. But at the same time, in 1850, a memorial was sent home from the colonists of New South Wales generally, praying for a double chamber. Under these circumstances, and looking to the fact that the petition to which he had referred contained a prayer that the institutions of New South Wales should be assimilated to those of Canada, where there was a double chamber, the late Government thought it was prudent to attach to the large concessions they were about to make to the colonies a stipulation that Victoria and New South Wales should adopt a double chamber; and they notified this to the colonies in the despatch for the production of which he was then moving. And it was with great satisfaction he had since learned that, while the Government here had arrived at this decision, the Legislature of New South Wales was engaged in devising a new constitution, part of which was a double chamber, differing in no essential respect from that which the late Government urged them to adopt. He had now stated to the House the substance of the answer that the late Government felt it their duty to send to this most important petition. It was, as the noble Lord would see, widely different from that which the Government of which he was the head had only six months before sent to the same prayer. This petition did not, however, advert to another subject which had excited in the Australian colonies a degree of interest and excitement not inferior to that raised by any of the subjects which he had already noticed. He alluded to the transportation of convicts from this country to Van Diemen's Land. The noble Lord opposite (Lord John Russell) on the first night after the meeting of Parliament, had in that House, and the noble Duke (the Duke of Newcastle) now at the head of the Colonial Office, had, in another place, stated that the present Government intended to act on the declared determination of the late Government not to send out any more convicts to Van Diemen's Land. But neither the noble Lord nor the noble Duke had explained the reasons why it was desirable to make so great a change; and in the meantime the highest possible authority on this subject—the Lord Chief Justice of England—had, in the House of Lords, stated his regret that the punishment of transportation should cease, if it could possibly be continued. In 1847, also, some of the most eminent Judges, who were examined before a Committee of the other House, which sat on this subject, expressed themselves strongly in favour of the continuance of transportation as a secondary punishment. He had also himself in the debates that took place at that time expressed a strong opinion in favour of transportation, being convinced from his experience in a court of justice that it had proved a valuable portion of our secondary punishments, and that it was highly deterring in its effect upon criminals. It was therefore incumbent on him to state why the late Government felt it their duty to promise the Australian colonies that transportation to Van Diemen's Land should cease. Soon after he entered office, he received one of the most influential deputations he ever saw on this subject of transportation. It was headed by the present Chief Commissioner of the Board of Works (Sir W. Molesworth), and its members pressed upon him in the strongest manner possible the determination of the Australian colonies no longer to submit to convicts being sent there. He (Sir J. Pakington) stated in reply to them that he had lately received from Western Australia representations that that colony was willing to receive convicts; and also a petition from Moreton Bay, praying to be detached from New South Wales in order that they might receive convicts. He also told them that when Earl Grey was Colonial Secretary, a representation, signed by about 140 colonists of Van Diemen's Land, had been received, the earnest prayer of which was, that transportation might be continued to that colony on account of the benefit which was derived from the labour of the convicts. At the same time he promised the deputation that the late Government would give their anxious attention to the representations made to them, and see whether or not they could, consistently with their duties to these colonies, continue to send convicts to Van Diemen's Land. The result of their deliberations was that they advised Her Majesty, in Her gracious Speech at the opening of the present Session, to hold out to Van Diemen's Land the hope that no further transportation should take place. It was perfectly true that public opinion in the colony might be said to be divided on this subject. Under the great pressure that existed for want of labour, the inhabitants of Moreton Bay were ready to take convicts; but he thought the House would agree with him, that the prayer could not be conceded without a violation of good faith towards New South Wales. A division of opinion doubtless existed in Van Diemen's Land, and he had no doubt that under the desertion of that colony which to a great extent took place last year in consequence of the gold discoveries, the employers of labour had benefited greatly by the labour of the convicts. But, nevertheless, the late Government were unable to resist the conclusion, notwithstanding these facts, that throughout the whole of these colonies there existed the deepest dislike and hatred of the continuation of the convict system; and as strong and general a determination as ever pervaded the colonists to use every legitimate means to put an end to a system from which they believed they suffered the worst effects. If hon. Gentlemen would turn to the papers with respect to transportation, published in 1852, they would find ample proof of the strong feeling which existed on this subject in the Australian colonies. He would not refer to the somewhat doubtful proceedings of a body calling itself the Australian League, but at the same time the action of that body must not be lost sight of. It was not limited to any one colony; it extended through Van Diemen's Land, Victoria, and New South Wales; it had been joined by many of the most respectable colonists, and it must be regarded as the result of fixed purposes and feelings on this subject. But the display of this feeling had not been limited to the proceedings of the league. Public meetings had been held—especially in Victoria—when the most unanimous and the strongest feelings had been expressed, and the Legislatures of New South Wales and Victoria had all addressed the Crown, entreating that transportation might be stopped. If he wanted further proof of the extent and depth of this feeling, he should find it in the address of the Chairman of the Melbourne Chamber of Commerce to the members of that body, which was certainly not likely to have interfered in a matter of this kind, unless the colonists had the strongest feelings upon this subject. He said—

> "Addresses to a commercial association may not generally embrace subjects of a social and moral character, but the situation of our colony is peculiar, and I trust that it is not necessary to plead that the material interests of society are not paramount to virtue and happiness. I am the more encouraged to allude to the absorbing subject of transportation, because I feel that, not only in this society, but throughout the entire colony, there is but one sentiment on the subject. It is, indeed, an enormous evil that into the bosom of this rising society there should be thrust thousands of criminals yearly ejected from the bosom of a mighty Empire."

Even a stronger proof of the feeling entertained on this subject was to be found in the fact of a large public meeting which had lately been held in South Australia. This colony might have been expected to be free from the evils of transportation, because by its charter no convicts could be sent there, and a long distance intervened between it and Van Diemen's Land; still a majority of the criminals convicted in its courts of justice were convicts who had been sent to Van Diemen's Land. Thus it was not free from the taint, and one of the largest meetings ever held in Adelaide was convened to address the Crown by petition on this subject. In Van Diemen's Land, no doubt, a considerable portion of the employers of labour, and particularly of those engaged in agriculture, were in favour of employing the labour of convicts; but the great majority of the population were decidedly opposed to the continuance of transportation. The Governor of the colony, indeed, Sir William Denison, a most able and intelligent public servant, had not up to this time ceased to represent that in his opinion the interests of Van Diemen's Land required a continuance of transportation. But it appeared by the last intelligence from the colony that the Legislature had by an overwhelming majority decided to petition the Crown to terminate transportation. The Legislature of Van Diemen's land, like that of the other colonies, had two-thirds of its members elected by the people, and one-third nominated by the Government. The elected members unanimously supported this address, as did also a considerable portion of the nominated members, including one of the servants of the Crown in the colony; another of its servants staying away. He would ask the House, therefore, whether, under the circumstances which he had detailed, it would have been wise in the Government to have embarked upon a struggle with these colonies on this subject? He thought that no reflecting man would give such advice. We might have succeeded in that struggle by force of arms; but even success so obtained would have been disastrous. Whatever might be the value of Sir William Denison's opinion, could the Government have answered the prayer of the people and Legislature of Van Diemen's Land by telling them, "We are sure that ere long you will require the labour of these men, and for your own sakes we will refuse the prayer of your petition?" It would be impossible for the Government to have taken that ground, and, consistently with prudence and discretion, to have continued to send convicts to Van Diemen's Land, however highly they might value transportation as a secondary punishment. The reasons for this conclusion were materially strengthened by the discovery of gold; for if we now sent out convicts, what we meant as a punishment might be taken as a very great boon, and crime might be committed in order that the criminal might be sent out to the colonies. Indeed, not long since in the Ionian Islands a soldier was shot because the officers in the garrison there found that crime and outrage were become prevalent amongst the men, who committed offences for the purpose of being sent to Australia; and a friend of his having lately visited Gibraltar, found amongst the convicts there three men in irons who had committed an outrage solely that they might be transported to Australia. Were it necessary, he could adduce evidence from this country to show that we could not continue to look to transportation as an efficient secondary punishment. Having thus explained the reasons which induced the late Government to come to the determination to which he was glad to hear that the present Government intended to adhere, he must express his earnest hope that they would not allow any long time to elapse before they explained to the House their views on the subject of secondary punishments; for the noble Lord opposite would admit that there should not be a continued uncertainty in the country on this subject. He had strong opinions in connexion with it, and when the proper time arrived he would probably take the opportunity of stating what the views of the late Government were regarding it. If he understood the noble Lord correctly on a former evening, no convicts were to be sent to Van Diemen's Land after the ships now engaged had sailed. [Lord JOHN RUSSELL assented.] He was happy to find that the

Government still intended to send convicts to Western Australia; for the reasons which he had urged against transportation to Van Diemen's Land, did not apply to the latter colony. The settlers did not object to receive convicts, and Western Australia was separated from the nearest settlement by 1,400 or 1,500 miles of an impracticable desert. He thought, however, the noble Lord could not look to send any large portion of our convicts there; though he hoped that means would be devised not altogether to put an end to transportation as a secondary punishment next in severity to death. He had now alluded to all the grievances which these colonies had urged upon the Home Government. He had shown that the late Government conceded nearly every one of those prayers; but he must remind the noble Lord opposite, that the Government of which he was the head refused the most important of them; and although transportation was now given up, there still remained important concessions prayed for by the colonists, but distinctly refused by the noble Lord's Government. They had since been conceded by the late Government; and he thought, therefore, he was entitled to ask what part this Government intended to pursue with respect to them? In Canada, the noble Lord said that he reverted to the policy of Earl Grey; did the noble Lord intend also to revert to the policy of Earl Grey with respect to our Australian colonies? He hoped and believed, that even if he did not take exactly the course of the late Government, he would not revert to the refusal of 1852, but would meet the wishes of the colonists in a generous spirit. He could not on this point avoid making another quotation from the noble Lord's (Lord J. Russell's) speech upon the colonies in 1850:—

> "I now come to the question as to the mode of governing our colonies. I think that, as a general rule, we cannot do better than refer to those maxims of policy by which our ancestors were guided upon this subject. It appears to me that in providing that wherever Englishmen went they should enjoy English freedom, and have English institutions, they acted justly and wisely. They adopted a course which was calculated to promote a harmonious feeling between the mother country and the colonies, and which enabled those who went out to these distant possessions to sow the seeds of communities of which England may always be proud."—[3 *Hansard*, cviii. 549.]

As far as his humble opinion went, he must say that he never read language more worthy of the high position of the noble Lord, or in which he more entirely concurred. During the time he (Sir J. Pakington) held the seals of the Colonial Office, he endeavoured to act strictly on these principles; and it was in pursuance of them that he had made the concessions which, notwithstanding this language, the Government of the noble Lord had withheld. He was, therefore, anxious to know what the policy of the Government was to be on this subject. The late Government felt that two courses were open to them. He had no doubt that, supported by the strong arm of imperial power, they might have refused these concessions, and still have enforced the continuance of the connexion between the colonies and the mother country so long as, notwithstanding their prosperity, the former felt too weak to assert their independence. He and his Colleagues, however, felt that there was another and a wiser policy, namely, to win their confidence by conciliating their affection, and thus to prolong their attachment to the mother country. It was upon these principles that the late Government endeavoured to deal with the great crisis that had arisen in these colonies, and upon these principles he hoped that the present Government intended to continue to act. He would conclude by moving for—

> "Copies of the Despatch from Sir John Pakington to the Governors of New South Wales, Victoria, and South Australia, dated 15th December, 1852, and his Despatch to the Lieutenant Governor of Van Diemen's Land, dated 14th December, 1852."

MR. FREDERICK PEEL said, that he entirely concurred in the opening observation of the right hon. Baronet opposite, that there was no necessity for his apologising to the House for drawing its attention to the situation of the Australian colonies. They constituted a group of our dependencies, of which that House had every reason to feel proud. They exhibited, in a remarkable degree, the capacity of the English race to take root in the soil of foreign countries, and there to plant communities, which in an incredibly short space of time appear almost to rival the ancient countries of Europe. The right hon. Baronet had not in any degree over-estimated the results of British industry and enterprise in these colonies. He (Mr. F. Peel) fully endorsed the tribute which he had paid to the fidelity of the troops which were stationed at Victoria, and could say quite as much for the regiment in New South Wales, from which the troops in Victoria had been detached. The right hon. Gentleman had made a speech to which he had listened with the attention which was due to so high an authority. The statement of the right hon. Gentleman was valuable from the extent and accuracy of the information it contained; and he found no fault with the speech, unless it were for the want of a proportion between it and the practical purpose the right hon. Gentleman had in view. It was not needed as a vindication of his own policy. No one had impugned that policy; and he believed there was no one that was not disposed to bear testimony in a general way to the credit that was due to the right hon. Gentleman's colonial administration. The spontaneous communications which had been made by the noble Lord (Lord J. Russell) in that House, and by the noble Duke at the head of the Colonial Department in another place, had, he thought, anticipated one-half at least of the right hon. Gentleman's Motion, and superseded the necessity for the inquiry that had been made by the right hon. Gentleman. The right hon. Gentleman seemed to think, that because they had reverted to the policy of the Government which preceded his own with respect to the clergy reserves in Canada, there was, therefore, some possibility of their disturbing all the changes that had recently taken place. The right hon. Gentleman remembered that the Government was not prepared to follow up his views with reference to the Canadian clergy reserves, and he was instantly filled with solicitude lest his instructions with regard to some other matters should meet the same treatment at their hands. He would, however, endeavour to dispel the anxiety of the right hon. Gentleman on the subject. The despatch to which the right hon. Gentleman referred, was written by the right hon. Gentleman about a week before he quitted office, in reply to a communication from the Governor of New South Wales, which had been received some six months previously. That despatch contained the petition of the Legislative Council, on which the right hon. Gentleman had largely commented. It was, in the first instance, a reaffirmance of the views entertained in New South Wales on certain points which had long since been in controversy between ourselves and that colony. There were three of the matters referred to which might be considered of minor importance, and which he would, therefore, dispose of in the first place. These matters had reference to their interference in the Customs establishment of the colony, the exercise of a veto power by the Crown, and the manner in which the patronage of the Colonial Office had been exercised. He had stated the other night, with regard to the Customs establishment, that since the repeal of the Act under which the Imperial duties were levied, and more especially since the repeal of the restrictions on navigation, they had ceased to have any interest in the appointment of the officers of the Customs in the colonies. They had, therefore, before the petition from the Legislative Council reached this country, transferred that establishment into the hands of the colonial authorities, and it was placed precisely on the same footing as any other department. As to the disposal of patronage, he thought any complaint on that head was unreasonable and ill-founded. During his long tenure of office he believed that Earl Grey had given as full a recognition to the claims of colonial talent as he could possibly venture to do. With very few exceptions, every nomination to office in that colony was made upon the recommendation of its Executive Government. It had been contended that it would be of advantage to have a stringent regulation, by which a monopoly would be secured to the inhabitants of that colony of all the offices of trust and emolument within it; but he believed that the introduction of any such regulation would be attended with great inconvenience to the public service. It must be obvious, that occasions would now and then arise where they would require some special knowledge which could not be procured within the narrow limits of a colonial community. He would give an instance of that. A short time ago the Legislature of New South Wales incorporated the University of Sydney, and appointed a Senate, at whose disposal they placed a permanent annual sum of 5,000*l.*, to be applied by the senate in payment of salaries to professors, and for exhibitions to scholars who had shown unusual proficiency in literature and science. What was the first thing that the Senate of that University did? They wrote a letter to the Astronomer Royal, Sir John Herschell, and others, requesting they would select gentlemen to fill those professorships, on the express ground that it was impossible to obtain properly-qualified persons in the colony. The House would, therefore, see that it would be extremely unadvisable to lay down a regulation that under no circumstances should there be any appointment made of persons in this country to offices in New South Wales. With regard to the veto, it was well known that the Crown was a constituent part of every Colonial Legislature. But the representative of the Crown was empowered in each colony to assent or dissent, on the part of the Crown, to colonial ordinances; and if he assented, he did so subject to the disallowing power of the Crown. Whatever might be their confidence in the ability and good intentions of their governors, it would be impossible for them to give them a full discretion over the confirmation or disallowance of local enactments. It was admitted, he believed, that the alleged grievance was more a matter of theory than of practice, and that few ordinances were disallowed. The right hon. Gentleman had stated that the Legislature of New South Wales had suggested that it might be possible to make a distinction between matters that might be considered as local, and those that had an Imperial interest, or appeared to touch the prerogatives of the Crown, and that with regard to the local matters there could be no objection to give the Governor power, without any application to the Crown, to act on behalf of Her Majesty. He (Mr. Peel) could only say, with regard to that proposition, that if it were possible to draw a line of demarcation, distinguishing what were local matters and what Imperial, and to do so without restricting the existing powers of the Colonial Legislature, he felt sure there would be no disinclination on the part of the noble Duke at the head of the Colonial Office to consider the propriety of establishing such a distinction. He would now come to the more important part of the petition, which concluded with a proposition in which the Legislative Council said that if they gave to them the exclusive control of their entire revenue, as well territorial as ordinary, and if they assisted them in exercising the power which was conferred upon them by the Act of 1850, for the Amendment of the constitution of the Legislature, they would on their part be willing to bear, not alone the whole cost of their civil expenses, but also to defray the expenses incurred for their military protection: and as a testimony of the sincerity of those assurances of loyalty and devotion which they had so often requested should be carried to the Throne, they were prepared to vote Her Majesty an adequate and ample civil list, in substitutions of the sums contained in the schedule of the Act of the 13 & 14 *Vic.* The House was aware that it had appropriated a part of the ordinary revenue to the payment of the civil service in the colony; and he believed himself that a permanent provision of that kind, not liable to be capriciously altered by the Legislature, was necessary, in order to secure the services of able and efficient men to act in the colony. He believed that the local Legislature itself took the same view as the House did of the matter; and the point of their complaint was, not that the provision was a permanent one, but that Parliament, by its sole authority, without their concurrence, in contravention of the spirit, if not the letter, of the Declaratory Act of 1788, by which Parliament once for all renounced the power of levying taxes upon their colonial subjects, appropriated a part of the revenue which was raised by taxes imposed by themselves. On considering this question he was inclined to think that the preponderance of the argument in the controversy rested with the colonial Legislature, and therefore he believed the Government were prepared to accept a civil list voted by the colonial Legislature in substitution of the civil list which Parliament had voted. He anticipated that they would have no occasion to repent having taken that course, or to regret the confidence which it betokened in the good sense of the people of New South Wales. He had recently seen the draft of a measure granting a civil list to Her Majesty, which had been prepared by a Committee of the Legislative Council of New South Wales, and he found the sum they were prepared to recommend exceeded considerably the sum Parliament had devoted to the subject. The sum Parliament had devoted for the purpose was 73,000*l.*, and the civil list recommended by the Committee amounted to 88,000*l.* Moreover, it was impossible for them to know at such a distance what was the amount necessary to carry on the public service. In the colony of Victoria, for instance, they had reserved a sum of 20,000*l.* for the chief civil departments of the Government; and one would suppose that was a sum that bore some proportion to the ordinary revenue of the colony; but what did the House suppose was the estimated expenditure for the colony of Victoria for the next year? It was not 20,000*l.*, nor twice 20,000*l.*, but it was 1,750,000*l.*, compared with which the sum of 20,000*l.* was an absolute triviality. Again, we had reserved 2,000*l.* for the department of the Colonial Secretary; but, looking to the estimate of the sum required for carrying on that department for next year, he found that in consequence of the enormous rise in the rate of wages, and the price of provisions, the sum asked for was just 11,000*l.* Therefore it was quite clear that Parliament could not do better than allow the colonists to vote their own civil list, in the perfect confidence that they would provide sufficiently for the public service. He would now come to the question of the unappropriated waste lands in the colony, of which the Crown was proprietor as trustee, not for the benefit of the inhabitants of any particular colony, but for the good of the Empire at large. Here again they had the interposition of Parliament. Parliament regulated the price at which those lands were to be sold—Parliament regulated the manner in which the unsold lands should be occupied—and Parliament regulated the manner in which the produce of the land sales should be disposed of. The right hon. Gentleman had omitted to state that the Legislative Council of New South Wales had qualified that Act as a pernicious and impolitic enactment; but he (Mr. Peel) differed entirely from that opinion. He was quite ready to dispute the justice of that opinion, because he believed that the manner in which the Crown had exercised its trust had been of the greatest advantage to the colony. The right hon. Gentleman was not quite correct in stating the object of the Land Sales Act. The right hon. Gentleman would find that in the years 1838 and 1839 as much had been raised from the sale of land as was raised in any year subsequent to the passing of that Act. He (Mr. Peel) would not say that in the Land Sales Act they had stopped at that point in the ascending scale of price which was best for the interest of the colony; but this he was quite certain of, that the two leading principles of the Crown management of waste lands—first, that the land should be sold; and next, that the price should be a fixed price—were sound and just principles. The old system of management had been one of free grants, and the right hon. Gentleman would recollect that in British North America, under that system, enormous grants of land were squandered on persons without capital to carry on cultivation or procure a supply of labour. If they wanted an illustration of the effects of the two systems, let them take Western Australia and Victoria. The first was ruined by the system of free grants, while Victoria, on the contrary, where land was, from the first, sold at a high price, was the most prosperous, and had been all along, of any colony acknowledging the supremacy of the British Crown. But he was prepared to admit that there were considerations having a political complexion which overbalanced the economical advantages of the present management of this matter. They were told by colonial Governors that there was a settled and widespread opinion, extending to the most loyal and respectable persons in the colony, that that was a subject that should be transferred to their respective Legislatures. The right hon. Gentleman had adverted to the condition which he thought it was of much importance should be annexed to such a concession, and considered that a change in the Legislature of New South Wales should precede the actual grant of that power. The right hon. Gentleman would find that the two propositions made were—first, that the land fund should be placed at the disposal of the Council; and next, that they should assist the present Legislative Council to alter the form of its constitution. Now, the present Government were quite ready to give them such assistance. The right hon. Gentleman had stated that Parliament adopted the single Legislative chamber in 1850 because it was in accordance with the wish of the colonists, but he (Mr. Peel) did not think that was quite correct; the object of the Act of 1850, so far as the colony of New South Wales was concerned, was simply to separate from it the district of Victoria. In reality they had left the Legislative Council of New South Wales exactly as it had been for several years. He understood that the Legislative Council was considering the propriety of amending its constitution, and a Bill had been brought in for the purpose of transforming the existing single chamber into two chambers; and in no long time the reception by the Government of the Ordinances for that purpose might be expected. Under these circumstances, the Government intended, before bringing in any measure with respect to the Land Sales Act, to wait and see what was the permanent basis on which the Legislature of New South Wales was to be fixed. The right hon. Gentleman had also adverted to the question of transportation, and he concurred very much in the remarks that had fallen from the right hon. Gentleman on the subject. They had arrived at a conjuncture when the interests of this country and its dependencies had been brought to coincide. The object they originally had in view in selecting transportation as the chief kind of secondary punishment was, to adopt a punishment which, by the terror it inspired, would deter from the commission of crime, and which, in its operation, would have a beneficial tendency, and a reformatory effect upon the hearts and the habits and moral characters of those who were subjected to the penalty. These two objects had been effectually accomplished by transportation. The removal of the offenders to the antipodes, the long sea voyage, and the infrequency of communication with that part of the world, were circumstances that combined to invest transportation with a sort of vague and undefined apprehension. With regard to the beneficial effect of transportation upon the convicts who were sent to the colonies, he found the testimony of all those who had been in Van Diemen's Land, and the testimony was invariably to the same effect, was, that the great majority of the convicts who had been sent to Van Diemen's Land, having been removed from temptation, had become, as might be expected, orderly and industrious people, who were willing to conform themselves to the laws of society. But since the discovery of gold, all the circumstances had been entirely changed. The removal to Australia was no longer regarded with terror; on the contrary, last summer the office of the Emigration Commissioners was crowded with persons asking to be sent to that colony; and with regard to the effect that was likely to be produced on the discipline of the convicts in Van Diemen's Land, he need only remind the House that the gold mines were in close proximity to the penal settlements, and therefore the temptation to escape and make large gains would overpower the dread of being apprehended. He would remind the House also of the immense increase in the expenses of transportation. It would be impossible to retain the services of the officers in the penal establishments unless their salaries were increased, and if they were kept up he should not be surprised if the House were called upon to pay twice the present amount for their support. But by far the strongest inducement to discontinue transportation to Van Diemen's Land arose from the repugnance to it of the colonists in the Australian settlements. They had established Legislative Councils in each of those colonies, and not one alone; but each and every of the Legislative Councils had petitioned Her Majesty, and had passed Resolutions condemnatory of the system, and asking this country to put an end to the system. These, therefore, were among the considerations that had weighed with Her Majesty's Government in arriving at the same conclusion as their predecessors. From communications that had passed between different departments, he was satisfied that the Government, with the assistance that Parliament might be called upon to give them, and the means they had of removing a certain nunber of convicts to Western Australia, would be able to make arrangements by which it would be quite possible to dispose of all their criminals on whom sentence of transportation might be pronounced in the course of the year; and he would now conclude his observations, having gone through, he believed, all the points on which the right hon. Gentleman had sought information.

Mr. ADDERLEY said, it must be a matter of great pride and satisfaction to the members of the Colonial Reform Association, who combined together to recall the attention of the country to the proper principles of colonial government, to hear that almost every suggestion which they had made three years ago, the force of circumstances obliged successive Ministers to carry out. The Ex-Colonial Minister and his successors were vying with each other for the credit of adopting them. He had received a letter bearing upon this subject from Mr. Fox, the agent in this country for the Wellington colonists, who was now travelling in the United States. He contrasted the United States with this country, and says that the rapid growth of the new States in the west was simply attributable to the localisation of the functions of government in them. In reference to Canada, the writer said that since the management of its own affairs was entrusted to it, its progress was most astonishing, and that Western Canada for the first time surpassed the United States in the rapidity of its progress. Toronto had six times the population which it had in Sir Francis Head's time, and was one of the finest cities west of New York. The particular subjects interesting to the Australian colonies were the gift of the civil list, and of the control of the waste lands. He was happy to find that the first point was conceded by the

Government. With regard to the land sales, New South Wales from 1843 to 1850 had been pressing the question on the attention of this House, and annual petitions were presented on the subject. These petitions were signed by the majority of the inhabitants of the colony, and were backed up by the Colonial Government. They were also supported from time to time by all the magistracy and by the unanimous vote of the Legislative Council. In this respect the present Government seemed to lag behind their predecessors, and to be reluctant to grant this reasonable request. There was no question which pressed so ungently as that of giving the colony the control over the land sales, and the appropriation of the proceeds. It was a question of life and death with them. While the Imperial Parliament, or the authorities in this country, managed emigration out of these funds, the cost per head charged upon the local revenue was exactly 50 per cent greater than the cost of sending out emigrants by any other means to Australia. And not only was a waste of 50 per cent out of their resources inflicted by the system, but the kind of emigrants sent out was not such as the colonists themselves wished to have. It seemed to him (Mr. Adderley) that the Colonial Legislature alone could deal with the question; and he was perfectly certain the Government were now only postponing what they would ultimately be obliged to do. Whilst they were postponing it, unfortunately they inflicted great loss on this country; for the Australians themselves said, "Give us the control of our land revenue, and we will undertake to maintain the administration of our own affairs and our own defences." For his part, he confessed he thought the right hon. Gentleman (Sir J. Pakington) had shown his policy to have possessed considerable superiority over that of the present Government by the resolution he had taken at once to give up the land revenue to the colonies. His surrender to the Colonial Government of the gold discovered in Australia, was one of the most statesmanlike acts he (Mr. Adderley) had ever witnessed. The right hon. Gentleman had the great credit due to him of having done that in time, which the Government would undoubtedly have been ultimately compelled to do. He had thereby elicited from the colonists those thanks which would have been entirely lost had the concession been made from necessity and not from choice. With regard to some of the Members of the Government, he could hardly conceive how, with the opinions they had so often expressed, they could agree to the delay of the offer of the control of the land revenue which the right hon. Gentleman had made. One of the Secretaries of the Board of Control in particular (Mr. Lowe) had rendered himself eminent as the advocate of giving up the land revenue to the colonies. The most able arguments in support of such a policy had been delivered by that hon. Gentleman, and it was chiefly to those arguments that he (Mr. Adderley) attributed his own strong convictions upon the subject. One thing more he must take credit for to those Gentlemen who three years ago pressed for colonial reform. During the discussions on the Australian colonies which took place in 1850, the point which was more especially urged than any other was this: that Lord Grey, did not take the best mode of giving a constitution to the colony. It was said that he had two courses before him. He might either have given them the best constitution in his power to give, which would have been two chambers; or else have given them an efficient constituent assembly, representing the whole colony, whose sole and immediate duty it would be to frame a constitution for themselves. But the Bill of the noble Earl did neither one nor the other. True, it gave a body which might act as a constituent assembly, but, in the first place, that body did not represent all classes in the colony; on the contrary, it was a sort of nondescript assembly, composed of nominees of the Government and representatives of the people, and, indeed, such as were the least likely to adopt measures that would lead to the formation of a constitution of a satisfactory character. Besides, they were empowered to act as a permanent Legislature if they pleased, and not only as a constituent assembly, and were, therefore, not likely to abdicate to others. The argument used against giving the most perfect constitution to the colony, in the first place, was, that the Government were anxious to defer to the wishes of the colonists themselves, but that those wishes had never been clearly expressed. The result was, in practice, that which had been predicted in 1850—that, as he understood the right hon. Gentleman (Sir J. Pakington) the Government at home had been obliged to advise the colonies to proceed to the exercise of the constituent powers given to them under the 35th clause of the Act, and which powers they had not yet exercised of themselves. Moreover, he understood the right hon. Gentleman to say that he had been obliged to attach certain privileges to those who acted under the powers of that clause, which operated as an inducement to them to act, and that but for those privileges they would not have been willing to do so. He would add, for the purpose of leaving on record his own opinion, that there were only two or three things more which were necessary to be done, in order to give the Australian constitution a perfectly British form. He concluded, of course, that the division of legislative chambers would be effected; and he hoped that both these chambers would be elective. He hoped also that the veto of the Crown upon local legislation would be distinctly given up. It was so in the New Zealand Act, he would not say absolutely given up, but restricted to two months, which was however, giving it up. Whilst the colony of New Zealand was exempt from the reference home upon its local legislation, he could not see why the Australian colonies should have their local legislation saddled with this reference home, which impeded the operation of the most urgent local enactments and undertakings for two years. So completely did this reference home restrict and impede local legislation, that he hesitated not to say that it was the main cause of the Australian colonies not having advanced with the same rapidity with which the United States of America had advanced. The right hon. Gentleman the late Secretary for the Colonies had stated, indeed, that they had advanced considerably, and he had said how little human foresight had to do with the course of events. On the other hand, he (Mr. Adderley) would say that the comparative progress of the United States of America and our Australian colonies showed distinctly how much human foresight had to do with it; for if we had only had the foresight to remove the impediments which stood in the way of the advancement of our colonies, we should have found that the same great Anglo-Saxon race which had raised the United States to the first rank among the nations of the world, would have raised those colonies to an equal pitch of greatness and importance. He would now say a few words with regard to the subject of transportation. That was another point which the advocates of colonial reform had from time to time pressed upon the attention of Parliament and the Government; and he was happy to find that circumstances had at last compelled the carrying into effect the recommendations they made. It was now high time that this should be so, for he could conceive nothing more injurious to the interests and honour of this country than the system of prevarication, change of purpose, breach of faith, and perpetual infractions of promises, which had attended the long course of experiments by which this country had attempted to keep up that anomalous and vicious system of penal discipline, at one time under the name of transportation, at another under that of "deportation." It had been said, that criminals by transportation frequently became honest men; but did it never occur to those who used that argument, that the improvement of those criminals arose from their having greater space, and being afforded more ample means of occupation? And he would ask the House whether it would not be better to use those corrective means of space and occupation before crime was committed than afterwards? Let them try emigration, therefore. If the colonies were used for emigration, then those who in this country were led by the pressure of their circumstances to perpetrate crime, would find means of honest living opened up to them before they had become criminals. Thus we should avoid the anomaly of first making criminals and then injuring our colonies by making them places in which to punish them. Let it be borne in mind that the Government of this country were pledged upon that subject, though the hon. Gentleman (Mr. Peel) did not seem to recollect it, or to have condemned the system of transportation, as he should do, as a selfish system, in which the country considered its own interests alone, and not those of colonies, and used, or rather abused, the colonies only for its own shortsighted purposes. But what was the main cause which had at last produced the consummation of the wishes of those who had so long denounced the system of transportation? The system of transportation to Australia had become a perfect farce by the discovery of gold in those colonies. In regard to this subject, the colonists themselves had shown a much higher feeling than the Parliament and Government at home; for in the existing pressure of circumstances there, where labour of any kind at any cost was a great object to the colony, it would have been excusable if they had silenced the dictates of conscience, and, acting on the promptings of self-interest, had submitted to be degraded by this country as a receptacle for its convicts, and had accepted as a matter of urgent necessity the convicted felons of England to supply the demands of their labour market. But Australia had been proof even against the influence of such a temptation as that. Undoubtedly there were some parties in the colony who would have been ready to snatch at the cargoes of convicts from this country to supply the deficiency of labour. But that, he was happy to say, was not the feeling of the colony at large. The Anti-Transportation League made it necessary that the system should be abandoned. The Governors of Australia recommended that it should be given up, and the first acts of the new local Legislatures, by large majorities, were to ask us to abandon it. From what he had heard since the commencement of the discussion, he understood that transportation was still to go on to Western Australia. He was sorry for it, because, although Western Australia might be looked on almost as a distinct country, yet, as South Australia, which by its charter was more guarded than any other Australian colony from this infliction, had suffered from the immigration of convicts, and recollecting that this was a matter of feeling and sensitiveness on the part of the colonists towards this country, he was convinced that it would be impossible to maintain very long a system of transportation to Western Australia. But so long as Western Australia was to be made a depôt for the worst criminals they could find, he would beg that House not to drive the convict population there to one more crime, more gross than any they had committed here. He (Mr. Adderley) would even gravely propose that the House should make an annual vote to supply, in the persons of the very lowest outcasts of our women in this country, those who perhaps would make suitable wives for the colonists with which the mother country was going to people Western Australia. He would only add his hope that the noble Lord would carry out and realise those high expectations which his opening speech at the reassembling of Parliament had raised, and that, as transportation had failed and broken down, the Government would deal with the whole question of secondary punishments. They had the power to do much now, and knew not how long their unusual power would last: they might entitle themselves, when it failed, to the grateful recollections of the country, and he hoped they would deal with this great question without delay. One of the principal parts of the subject, however, for their consideration was whether a better system for the treatment of juvenile offenders could not be adopted, so as to staunch the first springs of crime, and so most effectually reduce within manageable amount the number of criminals to be dealt with by such restricted means of punishment.

LORD JOHN RUSSELL: Sir, the right hon. Gentleman the late Secretary of State for the Colonies, who brought this subject forward, having, as I think, been justified in calling the attention of the House to the present state of circumstances relating to these colonies, and having stated what the preceding Government intended as to those colonies, I should have hardly thought it necessary to trouble the House at all, had not the hon. Gentleman who has just spoken, made, as I think, some extraordinary mistakes upon this question, which it would not be right to leave uncorrected. I have long thought that with respect to these questions, and several others to some extent connected with them, though we have had very frequent and long debates in this House, there has not been much difference as to principle, though there has been considerable difference as to the time and mode of carrying changes into effect. What must be recollected in treating this subject is, that the colony of New South Wales was not founded by emigrants and a free Government, but was founded in 1786 for the purpose of transporting criminals to that colony with the consent of the somewhat despotic Government of that day. This was the purpose for which it was destined from 1786 to 1837, when my right hon. Friend, now the Chief Commissioner of the Board of Works (Sir W. Molesworth), whose absence this evening I regret, pressed for a Committee of this House on ths subject of transportation: a Committee was appointed, and all the evidence taken before that Committee; and the general opinion of that Committee did but confirm that wise opinion of Lord Bacon, that "it is an unblessed thing to plant with the scum of your population." The greatest evils and the most dreadful crimes were found to result from that system of transportation. Some three years later, being then Secretary for the Colonies, I procured an Order in Council by which transportation to New South Wales was to cease, and from that time the character of the colony was changed, and it became, from having been a large prison, a colony which was thenceforward to run the same career which our free and noble colonies have run. In 1842 the Earl of Derby, being Secretary for the Colonies, introduced measures which I think had been partly considered by his predecessors, being measures for the sale of land at certain fixed prices, and by which a Legislative Council in those colonies was to be formed, to consist not entirely of nominees of the Crown, but to be partly elective. At a later period my noble Friend Earl Grey proposed to extend the representative principle to Van Diemen's Land, South Australia, and Western Australia. He proposed also to divide Victoria from the colony of New South Wales. It was on that occasion that the debates arose to which the hon. Gentleman (Mr. Adderley) has referred, but I don't think in a very accurate manner. The question at that time was whether we were at once to change the whole constitution of that colony by Parliamentary authority, or whether we were to continue the existing constitution of that colony, leaving it to the colonists to frame institutions fitted, it might be, for their government better than anything we could frame in this country. The latter view was what the Government took, and an Act of Parliament embodying those views was passed accordingly. The hon. Gentleman certainly made a proposition for a constituent assembly for those colonies, but that proposition was not approved by the House. The question now raised was brought forward within the last year; and perhaps the right hon. Gentleman the late Secretary of State for the Colonies will recollect that when he first came into office I took the liberty of informing him that he would find the subject of transportation most deserving of his attention, and would require immediate deliberation, and that the question of the constitution of New South Wales and of Van Diemen's Land was well worthy of his consideration. I must say that I think the late Government acted wisely, according to the circumstances of the time, in the resolution to which they came. They gave it as their opinion that the Land Sales Act should be altered, and that the colonies themselves should have the power of controlling the sales of land, and the distribution of the proceeds. The hon. Gentleman (Mr. Adderley) seems to think that the present Government have rather restricted the Resolution come to by the late Government in that respect; but I submit that that is not the case; in fact, they have not restricted it, and, if they have altered it, they have rather enlarged the scope of the Resolution. What the late Government stated was, that they wished a constitution to be framed in which there should be a Legislative Council nominated by the Crown, and a popular Assembly representing the people, and that on receiving a constitution so framed, with respect to the particular number of members in the Legislative Council, the Government intended to introduce a Bill giving power to the Colonial Government and Legislature to dispose of the waste lands. The present Secretary of State for the Colonies, the Duke of Newcastle, has said that if a proposal should reach this country for a change of constitution, he should consider the propriety of introducing a measure on the subject. The difference between the two measures is not much, and the proposition of the present Government is not less liberal than that of the former. With respect to that great question of transportation, I hardly can deal with it at present; but the hon. Gentleman has scarcely in this respect fairly represented the conduct of my noble Friend Earl Grey when he was Secretary of State for the Colonies. What he proposed soon after entering office was, that persons convicted in this country should continue to be sent to Van Diemen's Land, but should not be sent in the character of convicts, but in that of exiles. There would, according to this plan, be about the same number sent to Van Diemen's Land—only under a different name—that there would have been sent before under the name of transported convicts. So far from it being a benefit to the colony that they should bear the character of exiles, it was thought better that the authorities of the colony should have the power over them which they would have over men who had been guilty of crime. The system was adopted of tickets of leave. That was the principal change made. Two circumstances, however, occurred worthy of notice. One was, that Sir William Denison, who is an able and efficient Governor, unfortunately mistook the instructions, and gave intimation to the

Assembly that transportation was about to be abandoned, instead of explaining that the same number, or about the same number, would be sent to the colony under a different name. The House of Lords then resolved to inquire into the subject, and the impression produced by that inquiry was unfavourable to the punishment of transportation. It is obvious, from the circumstances stated by the right hon Gentleman (Sir J. Pakington), that the late Government had resolved at the end of the last year that, as soon as possible, they would discontinue transportation to Van Diemen's Land. That determination having been deliberately adopted, there arises here a most important question with respect to the substitution of a secondary punishnent. The right hon. Gentleman the late Secretary of State for the Colonies asked us what was our decision on that point, and what was our opinion; but at the same time no one is more competent than he is to see of how great importance a decision on this subject is, and that the Government ought to take full time for deliberation before their decision is pronounced. I only ask that the Government may be allowed that time to consider this highly important subject. No unnecessary delay will occur; and as soon as we decide on the substitute that is most efficient for the purpose, we shall lose no time in laying a measure before Parliament.

MR. HUME said, he cordially expressed his satisfaction at observing the concurrence on both sides of the House in the propositions and principles which the hon. Member for North Staffordshire (Mr. Adderley) and others had attempted to impress on Her Majesty's Government. Recollecting the early attempts he (Mr. Hume) made to impress on the Government the propriety of leaving the Colonies free from the trammels imposed by Downing-street; and recollecting that he had been called a rebel because he advocated reform in Canada, he had the greater satisfaction in perceiving how matters had come round, and would now say, "Let bygones be bygones." Sir William Denison made his statement on the 24th of July, 1847; but last year a sum was voted to take out convicts; and the thanks of the Colonial Assembly had been given to him (Mr. Hume) for having pointed out what were their wishes to the people of England, ineffective as his opposition ad proved. No man in this House had more clearly expressed the principles on which our colonial policy ought to be conducted, than the noble Lord the Member for the City of London (Lord John Russell), especially in the despatch written by the noble Lord when Mr. Poulett Thompson, afterwards Lord Sydenham, was appointed to the Government of Canada; and when the constitution for the Cape of Good Hope came under discussion last year, the noble Lord, in an excellent speech, laid down the principles which he (Mr. Hume) had always thought might be most beneficially applied to the colonies, as to this country. What he complained of was, that the noble Lord had not been consistent; one year suspending the Canadian constitution, another year resorting to coercion. But he (Mr. Hume) should bury in oblivion what was past if the noble Lord continued to act on the principles he had now laid down. There was some reason to complain of the vacillating policy that from time to time had interfered with emigration—the best remedy for the evils arising from reduction of wages and other causes in England. He did not see the hon. Member the brother of Sir William Denison in the House; but he must say that no man stood more in opposition to the feelings of the people in Van Diemen's Land than Sir William Denison. The Government ought to have people there who had the talent for conciliating and making their counsels and feelings accord with the wishes of the inhabitants. The hon. Under Secretary for the Colonies, who had to-night made an admirable exposition, and with whom he only differed on a few points, would learn from experience that when colonists, in meeting after meeting, and legislature after legislature, persisted in asserting their views, the best course was to remove the causes of agitation. Whenever there was a colony with whom the Governor could not act in harmony, one might depend upon it there was something wrong. He hoped the present Government would be in advance of the late Government, and he should rejoice if every one of our colonies were allowed to manage its own affairs.

Motion *agreed to.*

JEWISH DISABILITIES.

Order of the day read for the House to go into Committee.

LORD JOHN RUSSELL said, he hoped the hon. Baronet the Member for the University of Oxford would not object to the Motion for going into Committee of the whole House, for the purpose of affording an opportunity for explanation of the views of the Government with reference to the civil disabilities affecting the Jews. It had been customary to bring forward matters of this kind in Committee of the whole House, and when, in 1830, the question was brought forward by Sir Robert Grant, the course now suggested was taken.

Sir R. H. INGLIS said, he was strongly opposed to such a course, because he felt it to be a concession of the first step; and he was not prepared to allow the noble Lord to advance that step in a course which he believed detrimental alike to the religious interests and feelings of the people of the country, and to the civil rights of the House.

Lord JOHN RUSSELL: Sir, the hon. Member for the University of Oxford having objected to take that course which was allowed to be taken more than twenty years ago, it is necessary that I should state the nature of the proposition I have to make before the House resolves itself into Committee. In so doing I shall state, in the first place, that it would have been more agreeable to me, acting according to the views which I explained to my constituents, if I could have brought forward at this time a proposal with regard to the mode in which we take the oaths in this House before we are entitled to take our seats. I stated to my constituents that I thought the oath we take ought to be but one, and that one simple in its character; that it ought to be for members of all religions, and ought not to be entangled with the various professions made by persons of different religious persuasions; and that it should not be necessary for a Protestant to aver one thing, for a Roman Catholic to aver another, and for both to affirm certain propositions with respect to a person calling himself the successor of James II.; as to whom we need trouble ourselves very little in the present day. But I am aware, and if I were not aware I should be convinced of the fact from the discussion of yesterday and of the previous day, that I could hardly propose to alter the law with respect to the Roman Catholics, without raising a discussion in regard to the Established Church of Ireland, and in regard to the intentions of Roman Catholic Members, and thus producing a great deal of heat and controversy on a question which is not the immediate question I propose at this time to bring before the House. That which I wish to do—that which I propose to myself by this separate measure—is so far to complete the edifice of religious liberty as to allow to the Jewish subjects of Her Majesty the same enjoyment of the rights and privileges of British subjects which is at present possessed by the Protestant Dissenters and by the Roman Catholics. Now, Sir, I am aware that in bringing forward this question I must labour under a great disadvantage. I know perfectly well that those who are opposed to me have it to say that the Jews, being not very considerable in numbers—not being very powerful by their influence throughout the country—have not the means of inducing their opponents to concede those claims, which others, who urged those claims on the ground of religious liberty, possessed. I know it may be asked, where are the petitions, where are the meetings threatening to the tranquillity of the country—where are the menaces against the Government and the Houses of Parliament, which induced us to agree to the concession of the Roman Catholic claims? The opponents of this measure may say—where is that political influence—where is that influence on the elections of cities and boroughs for Members of this House, which made it necessary to concede the claims of the Protestant Dissenters, and to abolish the Test and Corporation Acts? You have, I may be told, nothing to produce but the mere reasons of justice and expediency! You have nothing but the truth, justice, and charity of your proposals! and is it to be imagined that those who so long resisted the same arguments on behalf of the Roman Catholics—that those who resisted the same arguments so long and so determinedly, though enforced by the authority of the greatest statesmen in this House and in this country—that those who so long obliged the Protestant Dissenters to wear the galling chains of the Test and Corporation Acts, will yield now, when the mere question before them is of granting to men inconsiderable in number, and of no means of influencing the House, the claims they come forward to urge? But I trust that if you, who may be influenced by such considerations—without urging the generosity of the House—perceive that these claims are consonant with justice and reason—that the great principles of religious liberty which we have adopted enforce those claims—you will be satisfied by that justice, that you will be satisfied by those arguments of reason, and that you will show not only that you are willing to grant such claims, when enforced in the manner I have said, but that you will act impartially, and grant them when no such extrinsic means are used to press them upon you. Sir, I am the more persuaded that the House will adopt this course, because I believe that the principles of religious liberty are generally entertained by the people of this country, and I believe that, those principles of religious liberty being so entertained, it is impossible to avoid the conclusion that the Jewish subjects of Her Majesty ought to enjoy the benefit of them. It is not enough to say " there is a prejudice against the Jews—that this name is unpopular—we choose to indulge this prejudice, and we will not listen to what you have to say on their behalf;" because it would not redound to the character of this House, if, when all reason and argument are in their favour, a prejudice against them should be indulged in.

The first proposition I lay down, then, and it is one which will, I think, go far to establish my position, is, that in no time of the history of this country when legislative disabilities were imposed, have those legislative disabilities been grounded on a difference of religious faith. I speak not of the times when men were put to death because they did not entertain the opinions which prevailed among the majority. I speak not of those times when Roman Catholics like Sir Thomas More, and when Protestants like Bishop Latimer were fully satisfied in their consciences in condemning men to capital punishments, and in executing them on account of differences in their religious belief. I speak not of those times—but I allude to the times when disabilities were imposed, and when for certain offices and seats in Parliament oaths were required to be taken. On former occasions when I brought forward this question, I have stated that the words " on the true faith of a Christian," in the oath of abjuration, which are the words —and the only words be it remarked—which prevent a Jew from sitting in this House, were introduced with no such purpose; that they were introduced with a view to no such result; but that they were introduced for the purpose of excluding certain Roman Catholics, whom at the time it was thought necessary to distinguish from other persons of the same religion; the one set being intent on dethroning the Sovereign, on dethroning Queen Elizabeth or James I., and the other set being loyally disposed and attached to the institutions of the country. I endeavoured to prove this from the history of the times; but there has since appeared a most remarkable confirmation of that view, which was alluded to in the judgment delivered by Baron Alderson in the Court of Exchequer, in the case of Mr. Salomons, who was sued for penalties for taking his seat in this House. It was stated by Baron Alderson on that occasion in the following words:—

> "It is a curious fact, only lately brought to light by the publication of a manuscript from the Bodleian Library at Oxford by Mr. Jardine, that one of the main proofs used by Lord Coke when he laid that case (the case of the Gunpowder Plot) before the jury was the production of a little book found in the chamber of Francis Tresham, one of the conspirators mentioned in the Act, called *A Treatise on Equivocation.*"

It goes on to say that this treatise discusses the question whether a man being called on to make a declaration or promise, as he thinks unjustly, and without grounds on which he can fairly be called on to make it, may be entitled to break that promise by the use of mental reservation or equivocation, without incurring the sin of lying or the guilt of perjury; and among other positions it was affirmed that he might lawfully do this, even if he were required by the form of the oath tendered in terms to swear " without equivocation or mental reservation." There was, however, one exception to this, and that was in the case where his faith was involved, and if he was called on to make a promise on his faith, and did so, that then he was bound to perform it. Baron Alderson proceeds to remark that after this treatise had been made use of at the trial of the "Gunpowder Plot," an Act was introduced in that year in which the words " on the true faith of a Christian" were for the first time found; and Mr. Baron Alderson, as I think very justly, inferred that they were so introduced for the purpose of excluding persons of the Roman Catholic persuasion, who were not true to the Crown, and who would refuse to take that oath, when these words were introduced, and he comes clearly to this conclusion:—

> "I do not, therefore, call this properly an oath intended as a test of Christianity, which it was not, nor as a mere test of obedience, but an oath intended as a test of allegiance, and framed so as to be a test against all equivocation also."

Therefore this oath was intended to be an oath of loyalty and obedience—it was intended to bind all persons who would not break that oath when so framed; and the words "on the true faith of a Christian" were not inserted in any contemplation to exclude the Jews, but for a totally different purpose. That this was so is the more apparent perhaps, because in the time of the Commonwealth an oath was introduced wherein persons declared their adherence to it—declared themselves Christians—and renounced Popery and Prelacy. This oath made a declaration that they were Christians, and was clearly intended by the authorities of the Commonwealth to be a religious oath, and to be a test of religious faith. But on the restoration of the monarchy that oath was not persisted in, but was disused and laid aside; and from that time to the present no oath has been introduced with a view of making the profession of religious faith a ground of exclusion from Parliament. For when, in the days of Charles II., it was again proposed to exclude Roman Catholics, it will be seen very clearly by any one who studies the history of the time, that it was on account of political doctrines which were supposed to be connected with the faith of Roman Catholics, and on account of doctrines held to be adverse to the establishment in this kingdom of a Protestant king and of Protestant institutions; and that it was on account of these doctrines that even a declaration against transubstantiation was introduced. It was the same thing with respect to the Dissenters. The Protestant Dissenters were held up to odium as persons who had lately overthrown the monarchy and established a republic; and it was said that the State would never be safe while the Dissenters, who had thus overthrown both the Church and the Throne, were admitted to political power; and hence Corporation and Test Acts, by which it was proposed to exclude them from offices of trust in the State or in honours. The same argument was afterwards used by Dean Sherlock, but not to the same extent, when he said it was impossible to believe that Protestant Dissenters would not overthrow our institutions in Church and State if they were admitted to full political freedom. You will find also in the reigns of William III. and of his successors, and during the reign of the first princes of the House of Hanover, that the same fear of political dangers arising from the political doctrines of the Roman Catholics prevailed. You will find that from the time when the question of Catholic emancipation was introduced, in 1805, down to 1829, the same fear was entertained, and that the keenest wits of the age were employed in discussing that great question. You will find that Mr. Perceval and many others who argued against the claims of the Roman Catholics, hardly ever alleged that the religion of the Roman Catholics alone was sufficient ground for their exclusion and disqualification; but they said that persons who belonged to that faith would not pay perfect and undivided allegiance to the Sovereign; they were likely to overthrow our political institutions, and that for that reason they were not to be trusted with seats in Parliament. Thus, you see that from the beginning of this disqualification, in 1605, down to its abolition in 1829, the argument had always been, that persons belonging to a certain religion, whether dissenting from the Church of England as Protestants, or dissenting from the Church of England as Roman Catholics, had connected with their faith certain political doctrines which make them unsafe depositaries of power. You never find that faith or religion alone is made a ground of disqualification. I therefore contend, Sir, that it was not until 1830 that, for the first time, this special ground of religious faith was introduced, and that the principle of religious persecution was maintained in Parliament after two centuries in which it had been abandoned. Thus, when we had seen the disabilities of the Roman Catholics and of the Protestant Dissenters removed entirely, it was thought that the time was come for removing the disabilities of the Jews; and in April, 1830, a lamented statesman, Sir Robert Grant, introduced the great principle of religious liberty with respect to the Jews, and proposed the removal of their disqualifications. He argued the question in 1830, and in the subsequent years, on all the grounds of justice and reason, and he contended for the great principle that religious difference—that religious doctrine—is no sufficient ground for depriving a man of the privileges of a British subject. And that, Sir, is the question on which we have now to decide. All those temporary disqualifications, founded on the special ground of Roman Catholics and of Dissenters, have been swept away. With respect to the Jews, no such danger—no such inconvenience—no such obstacles can ever be pretended to exist as were urged in the case of Roman Catholics and Dissenters. I ask you then, are men, on account of their religious faith to be disqualified, or are they not? Can you or can you not maintain, that, because a man believes in the Old Testament, and does not believe in the New—for that is really the question—are you, on account of what you believe to be the errors of his faith, to deprive a man of polical power and of civil privileges? Now I contend—I will not argue the question, for it has been argued over and over again by men whom I should be quite unfit to follow—but I will contend that differences of religious opinion, that errors in faith, are no ground whatever for depriving a man of his right to serve the Crown and to sit in Parliament. These are men who are British subjects, who hold land, who are in the possession of property, who exercise many civil privileges connected with local affairs—who hold office in corporations, who discharge their duty to their fellow-citizens, and perform them faithfully and honestly; —they are men ready at all times to bear allegiance to Her Majesty—they are men on whom you, without doubt or scruple, impose all the burdens which your taxes place on persons, whether for public duties or for the service of the State—and I say that you, being in that position towards them, have no right to say to them, "We will debar you from those privileges and rewards which your station as British subjects entitles you to possess." Well, I say, then, there are no special grounds alleged for this disability.

I believe I must refer to some grounds which have been alleged against the course I propose; but I own it appears to me they have been so thoroughly disposed of by former discussions that I will allude to them but very shortly. It is said in the first place, that the Jews are not as much British subjects as ourselves—that they are a separate nation—and that as a separate nation you cannot admit them to the privileges of British subjects. But what is the fact? It is a fact that those whom you propose to admit are not aliens. If they were aliens they could not take their seats in this House nor hold office. They hold offices; they are therefore British subjects by the very force of the proposition. Being British subjects, they perform all the duties of British subjects, and the term "alien" is not in any way applicable to them. If you say, indeed, that they have descended from persons settled in other nations, and that, therefore, they cannot hold office in this country, in saying that you lay down a principle which would apply to many others you could scarcely wish to exclude. If you are putting their exclusion not on a question of religion, but of national prejudice—if you found it on their connexion with other people settled in other lands, I say there are happily many families in this country who came over to us from time to time, as after the revocation of the edict of Nantes, or when they were driven away by religious persecution from other countries, or came over for the purposes of trade, whose descendants enjoy all the privileges enjoyed by other British subjects. Take as an example a great family which came over to us in the time of William III., the head of which now sits in the House of Lords—I allude to the Duke of Portland—while another branch of that family is still settled in Holland, a member of which is at this time the distinguished representative of that country at our Court. It is clear, then, that on account of his connexion with others in a different nation, you cannot prohibit a man from the exercise of the privileges to which as a subject he is entitled. But then it is said—and certainly it is an argument which one hardly dares to touch—that these persons are doomed to be divided and separated from all nations, and that they must remain so till prophecy is accomplished. I have always said in this House, that is an argument with which it is impossible to deal; it is not for us to carry out the decrees of Providence. What we know is, that the Jews are established in many countries—that they are recognised in France, in Holland, and in many other places, and that they are admitted to all the privileges which the native-born subjects of those countries enjoy, and are acknowledged as citizens of those countries. It is not because they are more or less numerous that those privileges are conferred on them; still less it is because you grant a number of privileges and rights to one class of persons in this country, and withhold them from another, that you will either promote the designs of Almighty power or of Almighty wisdom. I hold, therefore, that these arguments do not apply. Well, but then, what doubt is there with respect to the maintenance of the constitution of this country by the Jews if they should be admitted into the Legislature? One argument with regard to the admission of Roman Catholics, and also with respect to the admission of Protestant Dissenters, was intended to show, that if they were admitted into Parliament they would not fulfil those duties which you wished from them in the maintenance of the constitution both in the Church and State. There might have been some ground for such an argument in respect to Roman Catholics and to Dissenters; but, with regard to the Jews, hardly any person would venture to state that it could possibly apply. In the first place, their number is so exceedingly few as a portion of the people, and the number who would be likely to be Members of this House would be so proportionally small, as to make it impossible for them to attempt to injure your constitution; but, in the next place, it is perfectly well known that the Jews are well satisfied to maintain their own religion and faith without attempting to convert others, or to attain a supremacy in any Christian nation. It is well known, that while maintaining most rigidly their own religion, they do not attempt to make that religion prevail, and that the last thing they would think of would be that of entering into any cabal or combination for the purpose of rescinding your civil and religious liberties. With respect to the last question, namely, their moral character, no man can deny that although the Jews are not many among us—some 30,000 or 40,000—yet they are known in the social relations of life as men of great charity, always ready to help whenever any act of charity is to be performed. It is well known that there is no people who more quietly and unostentatiously perform their civil duties to their neighbours and to the State under which they live.

What, then, are the arguments—what, then, are the reasons, which remain to be urged why the Jews should not be admitted to the full enjoyment of all the privileges of their fellow British subjects? I believe there is no argument, no sufficient reason, why they should be excluded from those privileges; and that there remains nothing to urge against their claims but the prejudice and the notion that you are a Christian nation and a Christian Legislature, and that you would alter and degrade that nation and that Legislature by the admission of the Jews into Parliament. Well, Sir, if this nation is a Christian nation, as I say it is, it will remain a Christian nation, although you admit Jews into its Legislature. If the great majority—if nearly all the Members of this House will still be Christians, then it is clear that even after this law shall have been enacted, the name of a Christian Legislature will hardly pass away from us. Greatly, indeed, were it to be wished that that Christian spirit which we pray for in the beautiful form of the Church of England, that we should hold to the faith "in the unity of spirit, in the bond of peace, and in righteousness of life," were a prayer which might be accomplished over all the Members of this Legislature! I have never said that it is a matter of indifference whether the Christian character should or should not prevail in the two Houses of Parliament. I have always said that religion has no business apart from the business of life, and certainly it has none apart or separate from the business of legislation. When I say this, I mean it in that spirit to which I have referred. But when in place of a unity of spirit you have a diversity of doctrine—when, instead of the bond of peace, you have nothing but contention—and when instead of righteousness of life you have such men as Wilkes introduced into this House, I ask what is the benefit of your oath, and in what way does that oath secure that you are a Christian Legislature? Let us then not attempt to found our Christianity upon so flimsy, so worthless a basis. If, as I trust is the case, the Christian character prevails more now than it did a century ago; if it prevails more in the nation and in the Legislature, it is not because you maintain these oaths; it is because greater attention is paid by men to their religious duties, and because a better system prevails for the inculcation of the Christian doctrines. Let us rely then upon this; and, although you may have two or three persons of the Jewish faith in your House of Commons, depend upon it that this House will bear the character of a Christian Legislature far more truly than it did when Gibbon was one of its ornaments. If that is the case, I ask you to do away with this remaining persecution, with this remaining disqualification—I ask you to say that your doors shall be open to men of the Jewish faith who are British subjects like yourselves—men on whose loyalty you can rely—men of whose co-operation you will be glad. So doing, you can then with a clear conscience say, whatever other nations may do, we hold and accept the principles of religious liberty, and we grant that liberty to men who differ from us in religious opinion. Sir, I ask the House to agree to go into Committee upon this subject.

I ask you to take away this last disqualification, and then you may with truth say that having, for political reasons, done away with it in regard to others, you have now done away with this remaining disqualification solely upon the grounds of truth and justice; that you have no other ground to do it away upon but truth and justice; and that it is upon that truth and that justice that you found your truly Christian character. I now beg to move that you, Sir, leave the chair, in order that the House go into Committee of the whole House, to take into consideration certain civil disabilities affecting the Jews.

The Question having been put,

Sir ROBERT H. INGLIS said, before he endeavoured to reply to the speech of the noble Lord, he must be permitted to state why he objected to that speech being addressed to Mr. Wilson Patten. The noble Lord, from the tone of his very first observations, seemed to imply, as he (Sir R. H. Inglis) fully anticipated, that he regarded it as some advantage to have gained one step in the progress of the present measure. If it were a gain to him, it must be an injury to those who opposed him; and therefore he (Sir R. H. Inglis) felt that he at least would not be one who would pull off his hat and open the gate to enable the noble Lord to get into that which he (Sir R. H. Inglis) regarded as a sacred enclosure. Let the noble Lord break down the barrier if he could—God forbid that he should!—still it should not be any fault on his (Sir R. H. Inglis's) part if the course were made easier than it was. The noble Lord had asked, Why should that be refused now which was conceded to Mr. Robert Grant in 1830? Possibly they were wrong in having at that time conceded that step to Mr. Robert Grant; but if they had done wrong before, they were responsible only if they did wrong now. But the course which he (Sir R. H. Inglis) was prepared to take on the present occasion was the very course he took in 1847, when the noble Lord brought forward the same Motion at that time that he proposed to take now; for he felt it his duty, without meaning any disrespect, to refuse, so far as his own individual vote was concerned, the permission which he asked; and he stated that the course upon which the noble Lord was inviting the House to enter, was one hostile to the civil and religious interests of the country. He believed it to be hostile to the ordinary proceedings of that House. The noble Lord assumed throughout all his arguments, by a very convenient *petitio principii*, that he alone was the advocate of truth and justice, and that all who opposed him were mere bigoted disciples of an obsolete system. His (Sir R. H. Inglis's) proposition was of a distinctly contrary character. He maintained the truth and justice of that system of Christian government which the noble Lord was endeavouring to destroy. The noble Lord also assumed that power was a right belonging to every man, and that he who resisted granting power to an individual, was bound to show on what sufficient ground he made that opposition. On the contrary, he (Sir R. H. Inglis) contended, as he had contended in many other instances, that power was a trust which the State might delegate to those whom it thought fit to exercise it—the exercise of the suffrage for example—but it was the inherent right of no man. If it were, then indeed had they destroyed the value of the principle by all the restrictions imposed with respect to property, to age, and to sex. But again and again he would say that power was a trust and a privilege, and not a right. It was a trust to be exercised with reference to matters of much greater importance than mere pounds, shillings, and pence, which seemed to constitute the *summum bonum* of some men. It was to be applied to other and higher objects. He would remind the House that they were called together according to the writ, to advise the Crown "upon certain weighty affairs touching the interests of the Church and nation of England." What was the first estate in the realm? It was the Church. The first interest of the country was its Church; and it was the duty of every man, in public and in private, to act in reference to religion. Having reminded him of this, he would ask the noble Lord whether these Jews, who regarded our blessed Lord as an impostor, were fit to come there and enact laws concerning that Church? He would ask the noble Lord whether those who looked upon the New Testament as a tissue of fables were persons who in a Christian country should be admitted to make laws for the government of a Christian people? Whether they who disbelieved in the last Day of Judgment as it was revealed to us in the Gospel, were persons whom they could safely permit to legislate for the highest interests of the Church and nation? But the noble Lord, without scarcely alluding to these subjects, said that the Jews were so very few. That was one of the very arguments used with respect to the admission of the Roman Catholics into Parliament. He would ask the noble Lord whether he were encouraged by the success of that experiment to repeat it for other men, whether their number was large or small? Let him tell those hon. Members (members of the Roman Catholic Church) who were so fully prepared—with one honourable exception, whom he would not name—to vote for this new instance of liberality, that they at least were not disinterested on the subject; because he verily believed that, in every measure which should be brought forward in that House against the highest interest and duty of a Christian people—certainly against the temporal interests of the National Church—they would find in the Jews, whether they should be two or three, as the noble Lord fondly imagined—or, as he (Sir R. H. Inglis) believed would be the case, unless some very sweeping measure of reform should take place, many more should come in, as many who called themselves Christian statesmen had come in lately—men who would swell the band which was already on the march, united and powerful, as they were told—for union was strength. But this was a low view of the question. Whatever the numbers might be, was not the question with him. The real feeling which animated the minds of the people of England at this moment was, whether the plan of the noble Lord would not deliberately annul the profession of Christianity as the descriptive character of that House? The noble Lord proposed, in the first instance, to alter the words of the oath to be taken by Members of the House, with the avowed object of enabling the Jews to enter Parliament; but he could not do that without depriving the House of that characteristic which it had enjoyed for a thousand years. The noble Lord said that the words which prevented Alderman Solomons and Baron Rothschild from taking their seats "on the true faith of a Christian," were only put into the oath in 1606. If he were to admit the historical accuracy of the noble Lord, he would deny his conclusions; and he defied the noble Lord to contradict him when he said that, whether the words existed in the oath or not, no Jew could ever have entered the House of Commons, or taken his seat there, except by virtue of an oath sworn on some symbol of the Christian faith. The noble Lord would not allow them to go back to an earlier period than 1606, even though it included his own Magna Charta; but whether the noble Lord made his references early or late, he (Sir R. H. Inglis) would repeat that there never was an oath which could be taken by a Hebrew Jew. Therefore, whether the noble Lord were right or wrong, neither he nor any man could deny this proposition, that some Christian symbol or other —(he believed it was almost invariably on the open gospel)—was observed in the oath by which any judicial or civil office of any kind was assumed; and that not any admission to power, even of the lowest degree, was ever made without some Christian sanction. The noble Lord said that the Jews were not a separate nation. The more pious Jews contended that they were, and ever must be, distinctly a separate nation. If they took their stand as Members of Parliament, or of the Council, or of the Treasury bench, it might be matter of convenience to admit that they were not a separate nation; but that could not destroy the inherent, absolute, and essential character of being a distinct and separate nation—separate for 1,800 years before our Lord—for more than 1,800 years since; and separated perhaps for a time hereafter which no man could calculate. No Christian who knew anything of Jewish literature, or of their history, could fail to know that it was their distinguishing boast and characteristic that they were a separate nation—excepted from the rest of the world, and reserved for a great purpose, as a peculiar people, which human eyes could not penetrate, and that their highest aspiration was a return to their own land. He believed that to be the actual historical fact as entertained by the Jews, both with respect to their past state and to their present position. But the House was not to consider whether the Jews were many or few. If it were a claim of right he would yield it even to one solitary Jew, if no other Jew existed in the country; but if no such claim could be maintained, then he refused what was demanded, how many soever might be the claimants. He believed that in this case there existed no claim of right. It was simply and solely a question of expediency, and upon that ground he was prepared to resist it. The noble Lord said that the admission of the Jews into Parliament would not destroy the Christian character of the House. But what said their own writers? There was a man of the name of Van Oven—he (Sir R. H. Inglis) hoped and believed he was not an Englishman, but he wrote English, and had published a pamphlet in which he stated in so many words that we were not a Christian nation—what was his ground for that assertion? Why, said he, because we had Jews in this country who were British subjects, and were admitted to office. He (Sir R. H. Inglis) had heard it said that this was not a Protestant country, because the fourth, fifth, or sixth part of the population were Roman Catholic subjects of Her Majesty. The argument would be still stronger whenever it should be conceded to a Jew that he should have a seat in Parliament. But the great body of the people of England, knowing what their Christian privileges were, believed that they were entitled to be called a Christian nation; and it was in defence of their feelings, and in answer to their continued applications, that he now opposed the proposition of the noble Lord. No man would say that this question was a popular question with the people of England; and it was because he believed he was not resisting a claim of right, nor a claim of concession which would gratify the nation, that he adopted his present course, believing that this course would give satisfaction to an immense majority of his fellow-countrymen, and that he was not denying justice to any man, but was consulting the best interests of the Church and of the people of England. But the noble Lord called upon the House to wipe away this last remaining persecution—this last remaining badge of intolerance. ["Hear, hear!"] Hon. Gentlemen might cheer, but he would ask whether it was injustice because he was unwilling that the door should be opened to the admission of one, who might be the adviser of the Sovereign and the keeper of the Royal conscience, who was by principle opposed to the best and highest mysteries of the Christian faith—one who would use all his influence to undermine that faith? He contended that there was neither persecution nor intolerance in maintaining the character of a Christian Legislature; and it was not because he hated the Jew, but it was because he loved Christianity, that he opposed the proposition of the noble Lord. It was not because he would refuse to do a kindness to every human being, but it was because he believed those whom he was now opposing resisted on principle, and not, as Wilkes or Gibbon did, from a perverted nature, everything which he held sacred. Did Gibbon ever blaspheme the Christian religion when he came into that House? Did Wilkes? On the contrary, if it were true that hypocrisy was the homage which vice paid to virtue, so it was equally true on the part of those men, that their profession of Christianity and the respect which they externally paid to it, bad as it was as compared with a really religious feeling, was better than open and avowed blasphemy. He (Sir R. H. Inglis) believed that this would not be considered "the last remnant of persecution," the last object of contention, which would remain, if Parliament were unhappily to concede what the noble Lord proposed; other propositions would be brought forward, and would obtain a willing support from some Gentlemen present. Some would urge that the British dominions in India contain a vast number of Parsees and Mahomedans. [*Cheers.*] That cheer showed that it would be so. But then what became of the principle that the Christian religion of England was its highest privilege, its most sacred trust? Did hon. Members believe, or did they not believe, that they were summoned to Parliament to consult on measures to promote the spiritual as well as the temporal interests of the kingdom? If they did, let them resist the admission of the Jews; if they did not believe it, let them concede the matter. But, in that case, let them not believe that they would satisfy even those whom they admitted. They would be left dissatisfied; and so would many others, who were equally (if this principle were right) entitled to relief, but whom he (Sir R. H. Inglis) believed this country would never tolerate in the House of Commons—the avowed heathen, or the avowed Mahomedan. It was said by Sir Robert Grant, that at all events the Jew believed half of what we did; he (Sir. R. H. Inglis) denied that; but the others believed nothing; and yet, if the House were consistent, it must be prepared to destroy, not merely the Protestant, or the Church character, but the Christian character of the Legislature, and of the depositories of power. For these reasons he should resist the Motion which the noble Lord had now for the sixth time brought before the House; and he trusted that the fatal measure to which the House was asked to agree, might yet, by the Divine blessing, be averted.

SIR ROBERT PEEL said, that he had given a silent vote upon this question on the last occasion when it was before the House, and therefore he was anxious to avail himself of the favourable opportunity now afforded to say a few words; and he had the greater gratification in giving expression to his opinions, because, in addition to their being the result of a conscientious conviction in his own mind, he felt that he was but giving a fair, though a feeble interpretation to the drift of public opinion. He considered that there were just grounds for contesting some of the arguments of those who were for the admission of the Jews to the House of Commons. It was true that Parliament had voted Catholic Emancipation, had abolished the disabilities under which Protestant Dissenters and Quakers laboured; and even the Jews were allowed to exercise functions from which they were formerly and but recently debarred; they could fill the office of magistrate, chief magistrate of the City of London, and chairman of quarter-sessions; and of course the exercise of the elective franchise was open to them, and they were free in the exercise of their religious sentiments; but it was now argued that having admitted the Jews to every other right and privilege of free citizens, it was necessary, in order to complete the edifice of social and religious liberty, to emancipate them from the disability to occupy seats in the House of Commons. It was argued that their exclusion was a slur upon the Christian character of our institutions rather than their admission would be, and that therefore this "last badge of intolerance," as the noble Lord the Member for the City of London called it, should be abolished. He did not agree with this view. But he was ready to admit that, if circumstances required it, there never was a more fitting opportunity than the present for the House to express itself in favour of civil and religious liberty. For, while we saw and must lament the spirit of intolerance and bigotry prevailing abroad, it was our province, who stood at the head of civilisation, to do all we could to extend and promote a spirit of Christian charity and forbearance, and to mark our indignation at acts of oppression which in other countries affected religious opinions. On this account, knowing from experience in the diplomatic profession the good results that spring from a manly, straightforward, and honest expression of opinion, tendered in the shape of friendly advice, no matter whether to the Government of a country of the first order, or to one of comparative insignificance in the European balance of power, he, as a Member of Parliament, begged to offer his cordial thanks to the noble Lord the late Secretary for Foreign Affairs (Lord John Russell) for his admirably composed and high-spirited despatch to our Minister at Florence, which had lately been laid upon the table. And if he (Sir R. Peel) had not been accidentally obliged to be absent from the House last Thursday, he thought he could have answered the hon. Member for Meath (Mr. Lucas), when, in attempting to cite Protestant example in justification of the Tuscan persecution, he mentioned what he was pleased to call the extermination of the Jesuits from Switzerland, and also the affair of the seven Catholic Cantons; he could have told the hon. Member that the British Government did not support the views of the Confederation on religious grounds; that this country had nothing whatever to do with either of these transactions; and certainly had nothing to do with the expulsion of the Jesuits, which was entirely the result of the national will most clearly expressed. As to supporting the views of the Confederation against the Catholic Cantons, it did appear that the independence, and liberty, and welfare of the Swiss Confederation depended upon the success which, fortunately, attended that struggle; and subsequent events have indisputably proved the correctness of the views of the British Government of that period. This by way of parenthesis. He (Sir Robert Peel) would maintain that there never was a more fitting opportunity, if circumstances required it, for marking our approbation of civil and religious liberty; but he thought the introduction of Jews into that House had nothing whatever to do with the question of civil and religious liberty. So, at least, he should say, according to the interpretation we had been in the habit of giving to those expressions; but when he found a Member of the Government, who pretended accurately to know what were their views on all the important questions of the day, deliberately stating that those who opposed the introduction of Jews into Parliament ought never to pronounce the sacred words "civil and religious liberty," he (Sir Robert Peel), as one who opposed the revision of Parliamentary oaths for the purpose of admitting Jews into the House, must take leave to say that those expressions were erroneous and malicious. The hon. Gentleman referred to was one whom the *Times* used to call, and very aptly, the Jew Member for Aylesbury, who now, by some accident or other, found himself Solicitor General; but no doubt we should be told that nothing whatever insulting to the conscientious convictions of others was intended; as when Carlisle echoed with expressions of sympathy "for 40,000,000 of slaves," and the Odd Fellows Hall at Halifax resounded with imprecations against the Emperor of the French, we were told that of course nothing whatever derogatory to the character of the French Emperor or of the French was intended to be conveyed by these very direct insults. Why, Sir, he (Sir Robert Peel) being himself in favour of vote by ballot, might as well say that all who opposed that measure were actuated by improper feelings, and ought never to pronounce those sacred words which the Jew Member for Aylesbury would debar us for using; and he had clearly as much right to say that a Government comprising men who opposed, and men who approved of that measure of the ballot, was not entitled to that confidence and consideration from the people of England which they professed to enjoy. He would maintain that the introduction of Jews into that House had nothing whatever to do with the question of civil and religious liberty. He, for one, thoroughly approved of all that legislation which had marked the course of Parliamentary history during the last twenty-four years—that is, since Catholic Emancipation—on religious subjects, and would wish to be considered the last man in that House desirous of infringing religious liberty, or of retaining disabilities on the score of religion; but he did not think that the Jews felt any dissatisfaction at being excluded from seats in that House; no degradation was intended to be conveyed by their exclusion, and he did not think they felt any. They knew well that the State respected their institutions, their usages, their habits, and that they enjoyed far greater social liberty in this country than in any in Europe. Turn to parts of Prussia, Italy, or Poland, or, if you liked, Russia, and you would find it so. He did not wish to interfere with the liberty they enjoyed here; he thought they had shown themselves perhaps, on the whole, not altogether unworthy for that enjoyment; but he could not consent that laws which had been in existence almost since the great Revolution of 1688 should be abrogated for the purpose of admitting them into Parliament—laws prescribing oaths that had so long existed as a necessary preliminary to a seat in the House. It was perhaps right to say that because we had not now any Stuart to contest the Throne with the House of Hanover, we ought now to revise these oaths. Very probably circumstances required that those oaths should be revised; but that was no argument for doing away with the words, "On the true faith of a Christian," and no subtlety of argument would ever persuade him that those words were simply added, not as forming part of the oath, but merely to give a kind of solemnity to the engagement entered into by a Member of Parliament on taking his seat in that House. He could never believe that the words meant nothing. He was in favour of removing all disabilities from Roman Catholics and Dissenters; but there was no analogy between the case of Dissenters and Roman Catholics and that of the Hebrew community. It was not solely upon religious grounds that he opposed the introduction of the Jews into the House, but because he considered that those words, "On the true faith of a Christian," represented a great principle; and, denying, as the Jews did, the fundamental principles of Christianity, it was incompatible and inconsistent with the dignity and character of a Christian Parliament to admit them to the exercise of the highest functions of the State. This measure was unwise and unnecessary, and, consequently, impolitic. It was idle to say we need be under no apprehension of their swamping our institutions, or filling all the high offices of State. He did not believe any other constituency besides the City of London could be found confiding its political interests to a Hebrew legislator; but really we had seen of late such remarkable changes and contradictions, that it was almost impossible to argue what consequences might result from either men or measures, and he could not consent to run the risk of the possibility of that which might occur, and of the interests of the Church of England being submitted to the legislation of the Jews. What was the character, and respectability, and moral influence of the Jewish community in England? Their numbers were not above 30,000—30,000 among 30,000,000; but it would not matter one straw if there were 30 or 30,000, provided the principle was good, and there was a necessity for Parliament to interfere. Their charitable disposition and general good conduct he was perfectly ready to admit were worthy of our consideration; but he did not think that there was a title to all the great encomiums that some were in the habit of passing upon them in that House when such measures as the present were being considered. He would merely refer the House to what passed before the Select Committee on Juvenile Offenders. There it appeared in evidence that the chief instigators of crime in the metropolis were Jews. This was literally what appeared in evidence, and the statement was justified on the ground that the Jews almost exclusively afforded facilities for the disposal of stolen goods. He maintained, that if this was the case in the metropolis, it must be so in all the great centres of population—in Manchester, Liverpool, Glasgow, Birmingham—and therefore the Jews were not, as a body, entitled to those high encomiums which were generally passed upon them. The House, however, must consider that they were now merely considering a personal affair of the noble Lord the Member for the City of London. That noble Lord had the honour of representing the City of London with a Jew, and he had given a pledge that he would annually bring forward in this House a measure upon the subject of the Jews' disabilities. Now, Baron Rothschild was probably a very worthy man—they all knew he was a very wealthy man—but he (Sir R. Peel) did not think he was entitled to a seat in that House on account of his wealth, for everybody was perfectly aware how that wealth had been amassed. It was only last night he had read in a newspaper which was very well informed upon foreign subjects, that the house of Rothschild had consented to grant a loan to the Government of Athens, with very considerable guarantees, at the rate of 9 per cent; and they could consequently very well understand how the Rothschild family had amassed their wealth. He was ready to admit that Baron Rothschild might be a very worthy man; but, at the same time, as much had been said by the President of the Board of Control (Sir C. Wood) about gagging the French and Belgian press, no one had done more to gag the expression of liberal opinions throughout the world than the house of Rothschild, from the loans contracted with despotic Governments, like, for instance, that of Naples. But, even supposing Baron Rothschild to be a very worthy man, he, for one, had expected, considering the qualities of the noble Lord who represented the Government in that House, and that the Government represented all the political factions that had combined to oppose the late Government, that the country would have received at his hands some measures more practical and more important for the material interest of the people of this country. In 1851 and 1852 they had been distinctly told by the noble Lord of the absolute necessity that existed for a new Reform Bill; and yet now that the noble Lord found himself leader in the House of Commons for a coalition Cabinet, that measure was almost indefinitely adjourned. At Carlisle, at Southwark, and in the City of London, we had heard of nothing else but allusions to the gross bribery, corruption, and intimidation which had prevailed over the country at the last election. He did not know whether the representatives of those places now in the Government spoke from personal experience; but he did not think the electors of this country had laid themselves open to that sweeping accusation which certain Members of the present Cabinet had so promiscuously heaped upon them. As, however, the noble Lord had thought proper to adjourn weightier considerations of Government for the purpose of hurriedly introducing a Jew Bill, he hoped, if there was no chance of success in that House, the other House of Parliament would still remain firm in the decision that they had on every occasion arrived at upon this question, and that they would resist the introduction of this Bill; but whether in this House or in the other, success accompanied the present measure, he, for one, upon conscientious convictions, believing that he was best fulfilling the wishes of those whose opinions he was to a certain extent bound to consider—believing also that in so doing he was giving a fair interpretation to the views of the people of this country, he gave to this Bill his most determined resistance, and he hoped that those hon. Members who might not have had an occasion of voting, or considering otherwise than tonight this question, might be found uniting to resist the introduction of a measure which he firmly believed was fraught with very considerable danger to the Christian character of our institutions.

VISCOUNT MONCK said, the hon. Baronet who had just sat down, had described the question as a personal one of the noble Lord the Member for the City of London. That remark was, no doubt, intended as a taunt, but it was in fact about the highest compliment that could have been paid to him. The man who for the last thirty years had been connected with every extension of civil and religious liberty might well consider it a personal compliment that the removal of the last badge of intolerance and bigotry should be treated as a matter of personal concern to himself. While listening to the hon. Baronet's speech on the Jew Bill, he could not help being reminded of that celebrated production, *The Wandering Jew,* so remarkable was it for discursiveness. The hon. Baronet said he represented the feelings of the people of England on the question—

SIR ROBERT PEEL explained that what he said was, that he thought he had given a feeble but fair representation of the feelings of the people of England.

VISCOUNT MONCK: He must say that he did not think the people of England agreed with the hon. Member there; and as for himself, he had been sent there by a large constituency, partly, in accordance with his own convictions, to assist the noble Lord in his attempt to secure the removal of the civil disabilities of the Jews. He was not at all disposed to quarrel with one argument which had been used against this Bill—and that was the desirableness of establishing a complete identity of religious opinion between Church and State —but, admitting it to be sound in the abstract, he believed that, in the present state of the world, it was physically impracticable. It had been objected that Jews could not conscientiously exercise functions in a Christian Legislature; and it was to be presumed that the inference from such a statement was, that the Hebrew was to be excluded, out of regard for his soul. This reminded him of what he had read somewhere or other that in the days of Queen Elizabeth, when the colonists of Virginia applied to the Ministry of the day for educational institutions, basing their application on the fact that "they had souls to be saved," the rather uncourteous reply was, "D—n your souls, grow tobacco." In like manner, the language applied by many at the present time was, "D—n your souls—make money." The House had been told that the Jews felt no annoyance at being kept out of the privilege of sitting in Parliament; but, if so, it must be on the same principle as that on which eels were said to feel no annoyance on being skinned—they were used to it. This was not, however, the feeling on the subject of Jews with whom he was acquainted. No man in that House would shrink more from speaking lightly of sacred things than he would. But he would not allow himself to be led away by a mere jingle of words. He would ask the House what single operative doctrine of the Christian religion was involved in Parliamentary Christianity? Did the Church of England believe that a person who denied the divinity of the Saviour was a Christian in his own sense of the word? Or could they give up every doctrine of the Christian religion, one after another, in order to admit every man who called himself a Christian, and still maintain that they professed a common Christianity? He held that such a course was unreasonable, and that the oath was, in fact, a mere form of words.

MR. NAPIER said, he would state, in as few words as possible, the reasons why he could not, on his Christian allegiance, give a vote in favour of this measure. He would suggest no personal motives to the noble Lord. When the point was whether Christianity should be an open question in the House of Commons, and whether the faith of 1800 years should again be put upon its trial, the subject should not be embarrassed by personal considerations. After giving to it the most intense consideration, he was compelled to resist the proposition. He put the question thus:—Would the noble Lord agree to admit a deist into that House? Would he consent to admit an atheist? He apprehended not;—his Bill, at least, was confined to Jews. [Lord JOHN RUSSELL: They have sat in this House.] But they had now to consider how the House was to be constituted, and not simply to take notice of the illegitimate intrusion, under a false profession, of those who had no right to be there. The noble Lord would not admit an atheist, he presumed, because he denied even the existence of God, on whose sovereign will depended the existence of every human being. Well, was not our Lord and Saviour God? Did not our whole Christianity depend upon the reality of His existence and sovereignty? Was it not for this very reason that the Members of that House were called upon to swear on the faith of a Christian as a true faith? Was not religion more than opinion? Did it not involve certain facts and a certain Christian faith? Could part of it be allowed to be denied, and the rest maintained? Was not the whole of the Scripture to be received as equally the revelation of the Almighty? Surely religious truth was to be regarded not less than religious liberty. There was an air of persuasive generosity about the sentiments of the noble Lord on the subject, which put the opponents of the measure in an unpopular position. But it would not bear the test of reason. For example, he would point to the fact that Members of that House belonging to all religious persuasions—Roman Catholics, Episcopalians, and Nonconformists—all united in a prayer to God through their common Saviour. Could they join in prayer to the Saviour with one who denied him? A line of demarcation existed at present between the Christian and the Jew, and were they to remove all religion and call that religious liberty? Could their Sabbaths, their Easter, their Christian arrangements, be subjected to Jewish control? The admission of the Jew into Parliament involved peculiar considerations not attaching to his admission to other privileges. For example, as a magistrate, the Jew only administered laws; as a legislator, he would make them. As a magistrate he was under definite obligations and discharged definite duties, for which he was responsible; whereas the reverse would be the case in his character as a member of the Legislature. He conceded to the noble Lord that the oath was not intended to exclude Jews; but then he maintained that it was based on the assumption that every man who sat in Parliament was a Christian. Let it be remembered that it was their common Christianity which inclined them to legislate on Christian principles, and in favour of religious liberty itself; and let it further be borne in mind, that if they admitted all persons without distinction into that House, there could be no common bond of union between them, and no one could argue any longer on the assumed basis of Christianity. He would make only one other observation. The history and the hopes of the Jew were in his mind surrounded with a heavenly grandeur, and they were asked not to persist in persecuting them. He had no desire to persecute, or in any way to help forward their affliction. He could only say, that having regard to the destiny which still appeared to hang over that nation—when he saw them, after the lapse of near 2,000 years still visibly marked by the hand of the Almighty in testimony of their rejection of our Lord and Saviour—he could not be a party to an act by which that House might be—he would not say denying—but at least dishonouring Him, whom they rejected. He could not consent to a national act which might yet bring down on the constitution of England shadows from Calvary.

Viscount DRUMLANRIG rose with very great reluctance to address the House upon a question which had been so thoroughly exhausted during the discussions of the last six years, and which was much more fitted for immediate decision than for protracted debate, but he felt bound to admit that he was now about to give a vote which was entirely inconsistent with the votes which he had honestly given on the same subject upon former occasions. ["Hear!"] He perfectly understood the meaning of that cheer; but he would only say, as the hon. Member for the University of Oxford had judiciously remarked, that we were not so much to be blamed for an error we might have unwittingly committed, as we should be open to blame if we persevered in that error, contrary to our conviction. It was the fact that he had, in 1847 and 1849, voted against the measure now proposed, and that he was now prepared to vote in its favour, and that it was which now induced him to trespass for a few moments upon the attention of the House. He wished to say, that since 1849, he had advisedly and purposely refrained from ever taking any part in the discussion on this question. He had never either voted or spoken on the subject. Even allowing for the sake of argument that his convictions had remained entirely the same as they were, he did not think, after the deliberate and repeated discussions which had taken place, and after the way in which the House had, by large majorities, affirmed the principle that Jews should not be excluded from that House, that he would be justified in any longer offering an opposition to this measure; he had already on two occasions placed his opinion on record, and he thought that if he were continually to renew his opposition to a measure in favour of which the House had repeatedly pronounced, such conduct might be open to the charge of factiousness. He was willing, however, to admit that he did not intend to shelter himself under that plea; for, after the discussions which had taken place in the House, and the consideration he had given to the subject, he felt convinced that the arguments and reasons which had formerly been adduced in favour of the purely theoretical assertion that by admitting Her Majesty's Jewish subjects to their just privileges, the

House was unchristianised, were, in reality not sound. He was aware of all the odium attaching to the admission he now made; but of late years he had never approached the consideration of this question without feeling that the old arguments against it, although not without a certain sound of plausibility, were not sound in principle, and there was nothing in them which would allow him further to oppose the entrance of the Jews into Parliament. If he were to speak an hour, he could add nothing to what had been said by the noble Member for the City of London, whose speech had remained unanswered, and was unanswerable; but he did not choose to give a silent vote upon the question. He felt bound to pay the penalty that was due for wrong and hasty votes given in 1847 and 1849.

Mr. WIGRAM considered that the measure now proposed to the House, if carried, would be regarded by a large mass of the people of this country as a great slight upon Christianity. It was pressed upon the House by the noble Lord as a claim of justice. If he could be satisfied that it was a claim of justice, he should no longer resist it. But he could not help thinking the noble Lord, in viewing this as a demand for justice, was considering only justice to one party. The noble Lord spoke of justice to the candidate. He wished to know whether justice was not to be shown to the constituencies. There were two questions to be considered. The first was whether it was right or not that some sort of qualification should be required of the representatives to be elected by the constituencies? The second question was, whether this particular qualification, the profession of the Christian religion, was a just qualification to be required? On the first question he thought there was no doubt. It must be remembered that representatives were, by the necessity of the case, elected by a majority of the constituents, and that that majority imposed on the minority, perhaps only by a few votes, a person to be their representative in Parliament who did not represent their opinions at all. That result could not be helped—it arose from the necessity of the case—but surely it was reasonable to say that the candidate whom the majority thus imposed upon the minority should be a man to whom no reasonable exception could be taken. Then came the question, was this requirement of the profession of Christianity a fair and reasonable qualification to require? Considering that this was a Christian country, and that the constituencies were as a whole Christians, he would say it was but reasonable to require that the candidate to be imposed by the majority on the minority of a constituency should be a person of the same faith with the nation at large. They talked of dealing with this matter as a civil and not as a religious question; but the two were so bound together in all social considerations that they could not be separated. If a man were imposed upon him as his representative in Parliament, was it unreasonable in him to say, with practical reference to many questions which might come before that House, that such a man should be a professor and believer of the Christian faith? Supposing a question brought forward touching the observance of the Lord's Day, a Jew, from the nature of the case, was not in a position to exercise any judgment upon it. That institution, which was observed by Christians in remembrance of Christian circumstances, was an observance into which the Jew could not enter. Let them again take the case of education. He did not mean Church education; but suppose they were asked to consider, as a branch of national education, whether instruction in the New Testament should form a part—a most important question in every way, and one which, from the intimations of the noble Lord, they might soon be called upon to consider—he said it was not unreasonable that the minority of a constituency should have some guarantee that their representative was in a position to form and exercise an opinion on that subject. He said the Jew could not do it. They must have a believer in the New Testament to form an estimate of the advantages of that book forming part of a system of national education. Another question which he feared Parliament might have to discuss was the maintenance of the Established Church in the sister kingdom, and perhaps even in this kingdom. Now, he said a Jew was not in a position to exercise a judgment upon such a question, because he was not a believer in that book on which those institutions rested. Other examples might be put, in all of which it was reasonable to require that the representative imposed by a majority on a minority, should at least be in a position to exercise a judgment on questions of vital interest to the whole community. When these views were taken into consideration, he thought that the argument for justice was against a measure of this kind, not in favour of it. In fact, this Bill sacrificed the justice which was due to the constituency to what was asserted to be the justice due to the candidate. It might just as well be said that it was unjust to impose a property qualification, as that it was unjust to impose the qualification of religious belief. For his own part, he thought that both were perfectly just, if the social interests of the country required them. He should give his most conscientious and earnest opposition to the proposed measure.

Mr. W. D. SEYMOUR thought the argument of the hon. and learned Gentleman who last spoke was characterised by the same weakness which had marked every speech that had been made against the Motion. The hon. Gentleman had asked them to consider the position in which they would be placed if they admitted Jews to that House if the question of what was to be done with the Established Church of Ireland should be brought before them. Why, he thought it was a sufficient answer to that objection to ask the hon. Member to look at the bench beneath him, which was occupied by the hon. Member for Meath (Mr. Lucas), and other hon. Gentlemen who entertained similar opinions. Every argument which had been used against admitting the Jews into Parliament, applied with equal force against the admission of the Roman Catholics. The hon. and learned Member for the University of Dublin (Mr. Napier), for whose acquirements, abilities, and virtues he readily admitted he entertained the highest respect, had told them that they would unchristianise the Legislature of this country if they admitted the Jews into Parliament. Now, he (Mr. Seymour) differed from the hon. and learned Gentleman in that respect, for he submitted that the best way to Christianise the Jews would be to admit them into that House: they would then no longer regard Christianity as the religion of their persecutors, but be won towards it as a system full of political justice and practical benevolence. In the reign of George the Second, when the question was raised whether Jews should be naturalised or not, there were people who prophesied gloomy things for England if such a measure should be adopted, and who said that if Jews were admitted to the privileges of naturalisation, they would purchase estates, and would use their power to the detriment and for the demolition of our constitution. The results that had followed, however, had set the stigma of falsehood upon that prophecy. If this had been the result of the Naturalisation Bill—if it was true that the Jews had hitherto exercised their rights as British subjects in a proper and becoming manner, why should not the Legislature go a step further, and admit them as Members of that House? When the Jew was found occupying our jury-boxes and exercising magisterial functions in our courts of justice—when he had won his way by slow degrees to the very door of the House of Commons, was that door to be shut in his face just as he had reached the threshold—and was he to be told "You have demeaned yourself well hitherto—you have performed everything you undertook in a praiseworthy manner; but we cannot think of allowing Jew and Gentile Members to represent Jew and Gentile constituencies, and therefore we are compelled to shut the door against your admission? He would repeat that the true way to make the Jew a patriot was to admit him to the rights of naturalisation; and that the true way to make him a Christian was to admit him as a Member of that House. It had been said that the Jews were a degraded race; but if that allegation were true, it was ourselves who had degraded them by excluding them from the the rights of citizenship. It had been said that England had exhibited greater liberality towards the Jews than any other country in the world. He denied the truth of that assertion, and would refer to America and France as going further than we had done in liberality to the Jews. He begged to tell the hon. Baronet the Member for the University of Oxford and others, who professed to represent the views of the Church of England in opposition to this measure, that it would be well for them to look at the dissensions within that Church, and see how many sores there were that required a healing influence to be brought to bear upon them, rather than to weaken the Church still further by taking in her name an illiberal stand against the admission of their Jewish fellow-subjects to the free privileges of our glorious constitution. In conclusion, he begged to say that if they wanted a precedent for the present measure, he would refer them to the repeal of the Test and Corporation Acts, and the abolition of the Roman Catholic disabilities —if they wanted an example, he would refer them to that of America and France; if they wanted a motive, he would suggest the purest, holiest, and sublimest that could actuate man; and that was to give the Jews that measure of justice and constitutional right which they were entitled to ask as British subjects at the hands of a British Legislature.

Colonel SIBTHORP said, he was very happy that he was in a different position from the noble Lord the Member for Dumfriesshire (Viscount Drumlanrig), and he (Colonel Sibthorp) might well say of that noble Lord, *Tempora mutantur, nos et mutamur in illis.* He (Colonel Sibthorp) would vote on that question as he had always voted, for he should be ashamed to represent that city which he had the honour to represent so many years if he dared for one moment to forget what he owed to Christianity by voting for such a measure. Nor could he understand how the noble Lord the Member for the City of London could attend prayers at that table, where hon. Members invoked the assistance of Him on whom they relied for all favours in this world, and for forgiveness in the next; how could that noble Lord, a Protestant adviser of a Protestant Sovereign, how could he, he asked, bring forward a measure, the only effect of which would be to unchristianise the Members of that House? How could he thus violate his duty to the Almighty? That noble Lord told them he had promised to bring in such a measure, and he would perform his promise; but he (Colonel Sibthorp) supposed he did so on the principle, "Scratch me, and I'll scratch you." That was not what the leader on the other side of the House ought to practise, or hold forth such conduct to the country. He had no doubt the hon. Gentleman for whose benefit the noble Lord introduced that measure was a good, an honest, an excellent man, but he was a Jew. He was proud to give his support to the Amendment of his hon. Friend the Member for the University of Oxford.

Mr. M. O'CONNELL begged simply to say, that he belonged to a faith which had been most maligned in that House and the country next to that whose members it was now proposed to admit to legislative privileges; and that, having himself suffered under religious disabilities, he felt that it was his duty not merely to vote, but to speak on behalf of that portion of his fellow subjects who were still suffering from such restrictions. In recent discussions in that House, the Catholics had been stigmatised as the opponents of civil and religious liberty. He begged to say, that in his humble opinion every subject of the British Crown who acknowledged his allegiance to the Sovereign, and did his duty to the country, ought to be admitted to each and every privilege of a British subject. He believed that that was the intention of the constitution; and he hoped to see the day when, not only the Jew, but the Mahomedan, would be entitled to all the privileges of a British subject.

Motion made, and Question put—

"That this House do resolve itself into a Committee to take into consideration certain Civil Disabilities affecting the Jews."

The House *divided*:—Ayes 234; Noes 205: Majority 29.

List of the Ayes.

Adair, H. E.
Alcock, T.
Anderson, Sir J.
Anson, Hon. Gen.
Atherton, W.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Baring, rt. hn. Sir F. T.
Barnes, T.
Bass, M. T.
Bell, J.
Bellew, Capt.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Bethell, R.
Blackett, J. F. B.
Bonham-Carter, J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brady, J.
Brand, hon. H. B. W.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Browne, V.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cayley, E. S.
Challis, Ald.
Charteris, hon. F.
Cheetham, J.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Collier, R. P.
Corbally, M. E.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Crowder, R. B.
Cubitt, Ald.
Currie, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, J. E.
Disraeli, rt. hon. B.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Ellice, E.
Elliot, hon. J. E.
Esmonde, J.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Ferguson, Sir R.
Fitzroy, hon. H.
Forster, M.
Forster, C.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Gaskell, J. M.
Gibson, rt. hon. T. M.

Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Harcourt, G. G.
Hastie, A.
Hastie, A.
Headlam, T. E.
Henchy, D. O.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R,
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Keating, H. S.
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Langston, J. H.
Laslett, W.
Lawley, hon. F. C.
Layard, A. H.
Locke, J.
Loveden, P.
Lowe, R.
Lucas, F.
Luce, T.
M'Cann, J.
M'Mahon, P.
M'Taggart, Sir J.
Magan, W. H.
Marshall, W.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Miall, E.
Michell, W.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Norreys, Lord
O'Connell, M.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Price, W. P.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Stafford, Marq. of
Stanley, Lord
Stansfield, W. R. C.
Stapleton, J.
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.
Swift, R.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Tomline, G.
Towneley, C.
Traill, G.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whalley, G. H.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Wilson, M.
Winnington, Sir T. E.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. L. G.

List of the NOES.

Adderley, C. B.
Annesley, Earl of
Arbuthnott, hon. Gen.
Arkwright, G.
Astell, J. H.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. P.
Beresford, rt. hon. W.
Blair, Col.
Blandford, Marq. of
Boldero, Col.
Booker, T. W.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Burghley, Lord
Burrell, Sir C. M.
Butt, G. M.
Butt, I.
Cairns, H. M.
Campbell, Sir A. I.
Chelsea, Visct.
Child, S.
Cholmondeley, Lord H.
Christopher, rt.hn.R.A.
Christy, S.
Clive, hon. R. H.
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Davies, D. A. S.
Davison, R.
Deedes, W.
Dering, Sir E.
Dod, J. W.
Drax, J. S. W.
Du Cane, C.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Fraser, Sir W. A.
Freshfield, J. W.
Frewen, C. H.
Gladstone, C.
Goddard, A. L.
Gooch, Sir E. S.
Gordon, Adm.
Goulburn, rt. hon. H.
Graham, Lord M. W.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Hope, Sir J.
Hotham, Lord
Irton, S.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Ker, D. S.
Kerrison, E. C.
King, J. K.
Kingscote, R. N. F.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Lewisham, Visct.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
Macaulay, K.
Mackie, J.
M'Gregor, J.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Mare, C. J.
Martin, J.
Masterman, J.

Maunsell, T. P.
Meux, Sir H.
Miles, W.
Miller, T. J.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, C. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakington, rt.hon.Sir J.
Palmer, R.
Parker, R. T.
Peel, Sir R.
Peel, Col.
Percy, hon. J. W
Phillipps, J. H.
Prime, R.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Rushout, Capt.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stuart, H.
Taylor, Col.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Wellesley, Lord C.
West, F. R.
Whitmore, H.
Wigram, L. T.
Willoughby, Sir H.
Wise, J. A.
Wyndham, Gen.
Wyndham, W.
Wynn, H. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Inglis, Sir R. H.
Mackenzie, W. F.

Matter *considered* in Committee.

"1. *Resolved*—That it is expedient to remove all civil disabilities at present existing affecting Her Majesty's subjects of the Jewish persuasion, in like manner, and with the like exceptions, as are provided with reference to Her Majesty's subjects professing the Roman Catholic religion.

"2. *Resolved*—That the Chairman be directed to move the House, that leave be given to bring in a Bill upon the said Resolution."

Resolutions *reported.*

Bill *ordered* to be brought in by Mr. Wilson Patten, Lord John Russell, and Viscount Palmerston.

House resumed.

LEASING POWERS (IRELAND).

SIR JOHN YOUNG moved, that the Select Committee on the Leasing Powers (Ireland), Landlord and Tenant (Ireland), Tenant Right (Ireland), and Tenants' Compensation (Ireland) Bills, do consist of thirty Members.

CAPTAIN JONES begged leave to ask whether the noble Lord the Member for Tiverton would attend upon that Committee?

VISCOUNT PALMERSTON answered in the affirmative.

SIR ARTHUR BROOKE said, that out of the names of Irish Members upon the list of the Committee, there appeared only six Conservatives. The system on which the tenant-right principle was carried out in the province of Ulster, had not a single representative in that Committee. There were on it no persons who had any practical experience of the working of that system in the north; and he, therefore, objected to the Committee *in toto*. He would put the name of every one of the Members to the vote, unless the Committee were considerably altered.

SIR JOHN YOUNG said, that the hon. Baronet who had just sat down had treated the selection of that Committee as partial and one-sided. He could only say, that in framing it he had no intention of making it one-sided; and he had no particular predilection in favour of the Tenant League. In fact, the principles on which he had stood at his recent election, were principles opposed to those advocated by the Tenant Leaguers, and he had been supported by the Members of the Liberal party on the ground that he was not a Tenant Leaguer. He was prepared to justify the selection he had made. He had consulted the right hon. and learned Member for the University of Dublin (Mr. Napier) as to certain Members, and the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) as to others. He thought at first the Committee ought to consist of twenty-one Members, seven to be named by the right hon. and learned Member for the University of Dublin, seven by the hon. and learned Member for Kilkenny, and seven by the Government. But this difficulty occurred: The hon. Member for Manchester (Mr. Bright), and the hon. Member for West Surrey (Mr. Drummond), had given great attention to the subject, and had served on several Irish Committees, and he thought it desirable to enlarge the Committee, and place thereon the names of these Gentlemen. The House of Commons had decided before Christmas that certain Bills should be referred to a Select Committee, and the Irish portion of the Government had been called upon, in discharge of their Ministerial duty, to name the persons to whom those Bills should be referred. He had so selected the Committee that its Members might represent the various opinions which prevailed upon that subject in the House. He looked upon the apprehensions which were entertained with regard to the constitution of the Committee as perfectly groundless and visionary. The hon. Gentleman (Sir A. Brooke) had said that there was no person on the Committee to represent the property of Ulster. Now, he represented it in his own person. [*Cries of* "No, no!"] At all events, he was Member for Cavan, and Cavan was in the province of Ulster. His noble Friend (Lord Naas) represented Coleraine, in the same province; and his hon. Friend (Sir R. Ferguson) represented Londonderry, and had large landed possessions. He contended, therefore, that the property of Ireland was fairly represented by the selection.

Sir ARTHUR BROOKE said, that the right hon. Baronet had quite misunderstood him, if he thought he was not aware that Cavan was a portion of the province of Ulster. Tenant Right, however, had not been practised to any considerable extent in Cavan. He (Sir A. Brooke) had especially referred to that portion of the province of Ulster in which the tenant-right had prevailed; and he repeated that there were on the Committee no Conservative proprietors of the province of Ulster acquainted with the working of that system. On the original Committee there had been seventeen borough Members, including the Members for the University of Dublin, while the property of Ulster had been left practically unrepresented as regarded that question.

Mr. MACARTNEY said, that in some of the counties individuals had been endeavouring to carry out the system of tenant-right on so extensive a scale as to turn the landlords into tenants and the tenants into landlords. One of the Bills which were about to be referred to the Committee was essentially the same as one for which Mr. Sharman Crawford had never been able to obtain a second reading in that House. The question of tenant-right had, he thought, been fairly dealt with in Ulster. On the original Committee, there were seventeen borough Members appointed to decide upon a question connected with land. He would suggest to the right hon. Baronet that he should enlarge that Committee; and that he should select seven Englishmen of knowledge, independence, and property. There would then, he believed, be some chance of their having the tenant-right question fairly considered. As the Committee was at present constituted, he did not think the question would get a fair hearing.

Mr. F. SCULLY said, he must maintain the perfectly fair character of the Committee; and he was amazed that hon. Gentlemen opposite, who previous to the late general election expressed themselves so anxious to have this question amicably adjusted, should now turn round and manifest a feeling of so completely opposite a character. He considered that the landed property of Ireland was most adequately represented on the Committee.

Sir WILLIAM VERNER said, he would tell the hon. Gentleman who had just sat down why he and others objected to the constitution of the Committee. It was because, as proposed, it consisted in much too great a degree of Gentlemen who had either themselves individually declared for, or attended meetings where such declaration had been made—that they would oppose any Government until this measure of theirs was carried. Now he wished very much to know why Gentlemen from the province of Ulster should not have an opportunity of making their opinions felt on the Committee? He (Sir W. Verner) had property in not less than three counties in that province, and he must say, that until he came into that House, he never heard what the tenant-right of Ulster was. At any rate he could not recognise anything more in the tenant-right of Ulster than that there existed a better feeling between the landlords and tenants of that part of Ireland than elsewhere. However, he must say, that he believed it was greatly owing to the late Government—to their act in having permitted a Bill which had been previously scouted out of the House without attaining a second reading, to remain before them, that things had come to their present pass. Certainly, it had since been stated that that circumstance was entirely to be ascribed to accident, and he had even heard the fact coupled with individual responsibility. Now, with every respect and regard for his right hon. and learned Friend the Member for the University of Dublin, he was forced to say that he could discern but very little difference between his Bill and that of Mr. Sharman Crawford. The whole thing originated in nothing else but a desire to attack the rights of property in Ireland.

Mr. NAPIER said, he could not help feeling that a great many very extraneous topics had been introduced into the debate. Their great object at present was to try and constitute as fair a Committee as possible; for it certainly was most desirable that Parliament should come to a settlement of the question as soon as possible. Indeed, the matter could no longer be kept open, for it was distracting the people of Ireland, and seriously depreciating the value of land in that country. He had stated to the right hon. Baronet (Sir J. Young) that if a reasonably fair Committee were nominated, that he (Mr. Napier) would be most willing, by any assistance in his power, substantially to carry out the objects of the Committee, and to endeavour to modify the Bills before them. He must say, frankly, that he did not approve of the first Committee which had been named; but he thought that perhaps the present Committee might be found to answer the object. The House, however, must keep in mind that the opinion of the Committee would not be binding upon hon. Members, and that the object which such a Committee would have in view was not to make speeches, but to modify the various Bills before them.

Sir JOHN WALSH said, if he was able correctly to interpret what fell from the right hon. Gentleman the Secretary for Ireland (Sir J. Young), there had been some two courses before him. One was, to appoint a Committee of twenty-one Members, and the other was, to constitute one of the very large number of thirty Members. Now, as far as his experience went, he must say the larger the Committee the more unfrequent and lax were the attendance of its members. In addition, however, he could not conceal the fact, that the names which appeared on the original list of his right hon. Friend were most objectionable, and that the Committee so constituted tended in the very strongest degree to awaken feelings of alarm and apprehension in the minds of all those connected with Irish property. It appeared to him better that the numbers to serve on the Committee should be curtailed; and likewise that its construction should be reconsidered. He would not detain the House further at that late hour; but, considering the immense importance of the subject before them—considering that the rights of property in Ireland were at stake—considering that new doctrines were broached with regard to Ireland which were more akin to those of Louis Blanc and Monsieur Proudhon, than to any which this country had been hitherto accustomed— [*Cries of* "Hear, hear!" *and* "Oh, oh!"] Yes, he was ready to maintain his words. Considering, then, the gravity of the issue, he must say Government were bound to postpone the appointment of the Committee, with a view to its reconstruction.

Lord JOHN RUSSELL said, he begged to thank the right hon. and learned Gentleman the Member for the University of Dublin for the promise of his most valuable assistance, and was ready to consent to the postponement of the nomination of the Committee.

Mr. DUFFY said, he wished merely to observe, in reference to what fell from the hon. and gallant Colonel below him (Sir W. Verner), that if there was no one in the House who knew anything about tenant-right, or, in fact, if there was no such thing at all as tenant-right, why all this cry about there being no Gentleman from Ulster on the Committee? He considered that all classes, but more particularly the landlord class, were fully represented on the Committee. A reasonable objection to the Committee was, that the right hon. Secretary for Ireland had yielded too much by adding four Members representing the landed interest.

Sir WILLIAM VERNER said, that he had objected to the appointment of those Members who had pledged themselves to oppose every measure on the subject except that of Mr. Sharman Crawford; but he had never said that there were not a sufficient number of Ulster Members on the proposed Committee.

Debate *adjourned* till *Monday* next.

The House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Friday, February 25, 1853.

BRIBERY AT ELECTIONS.

Lord BROUGHAM postponed until Monday the Committee on the Law of Evidence (Scotland) Bill, and took occasion to advert to the effect of the change in the law making the parties themselves competent witnesses, as it bore upon the conduct of inquiries before Election Committees. He had hoped originally, a year or two ago, that this important alteration in the law would operate to prevent bribery and corruption at elections; but he must confess that the event had disappointed that expectation, for he believed there had hardly ever been a general election in this country at which more bribery and corruption had prevailed than at the last—he feared he might go further, and say, so much had prevailed upon no former occasion. But he would fain hope, still, that when the operation of the Act compelling the parties themselves to be examined before Election Committees came home to them by the Act being put in force, and examination being actually had, and by the results of that examination, it would have its salutary effect in deterring from the commission of the grievous offence to which he referred. But he was bound to add that though he had no doubt this would be its operation ultimately, if not immediately, upon the parties themselves and their agents, another change in the law of evidence would be required to give complete and full effect to it—namely, the adoption of the provision contained in the new Evidence Bill which he had brought in before the late recess, and which was now on the table, compelling persons to answer questions, although the answers might tend to criminate themselves; not, of course, enabling any person to take advantage of their depositions by giving them in evidence against them in other process or proceedings, as prosecutors, but protecting the party from the effects of his self-crimination in all proceedings afterwards, except indictment for perjury. The adoption of that principle would, he thought, more than any other, prevent corruption at elections; and he felt convinced that it would be right, in all cases whatever, to adopt this principle, and not to allow any man to object to answer a question on the ground of self-crimination.

THE GOVERNMENT OF INDIA.

The EARL of ELLENBOROUGH, pursuant to notice, presented a petition from the Madras Native Association, and others native inhabitants of the Presidency of Madras, praying for redress of certain grievances in connexion with the expiration of the East India Company's Charter. The petitioners stated that they suffered more especially from excessive taxation, from the vexatious mode of levying that taxation, and from the delay and expense in the Company's courts of law. They alleged that their chief wants were the construction of roads, bridges, and works of irrigation, and a better provision for the education of the people. They also desired a reduction of the public expenditure, and a form of local government more generally conducive to the happiness of the people and the prosperity of the country.

Lord Brougham

The petitioners, as far as he could judge from the tenor of their statements and arguments, were really the persons they represented themselves to be—that is to say, they were a body of about 3,000 or 4,000 native inhabitants of Madras and of its neighbourhood. The petition was very voluminous; and their Lordships would not therefore expect that he should notice all the points into which it entered. But he should be deficient in respect to the petitioners, and should not act in a manner satisfactory to himself, if he did not briefly lay before their Lordships some of the more material grievances to which those parties alleged that they were subjected. They complained, in the first instance, of what was called the ryotwar system, under which the ryots paid their contributions in the first instance to the Government; the other two systems being known as the zemindary and the village systems. The ryotwar system, of which the petitioners complained, had been principally established by Sir Thomas Monroe, who was no doubt the highest authority on all matters of administration that ever existed in India. He was, take him for all in all, the most remarkable man whom the Indian service had at any time produced. He was a man more nearly resembling in civil and military qualities, than any other man with whose history and character he (the Earl of Ellenborough) was acquainted, the illustrious man whom this country had lately lost. But, at the same time, he was not quite certain that the very circumstance of Sir T. Monroe having himself been a man of such extraordinary ability and knowledge, might not have led him into the error of supposing that ordinary men might be capable of administering a system which it required his own superior qualities to carry into effect. Under the ryotwar system it was necessary for the Government to fix the value of each property, however small; and it was manifest that it was more difficult to administer such a system than to impose a certain amount of taxation on a large district, and allow the zemindar—that was to say, the principal proprietor—to pay that sum to the Government, he reimbursing himself by the receipt of rents from the cultivators; or so fixing the total amount to be paid by a district as to allow the mass of the inhabitants to apportion their contributions among themselves. This question of the different revenue systems had been one on which those who dealt with the subject had been much divided, and they had written upon it with as much warmth as those who wrote upon religious questions; and he (the Earl of Ellemborough) was not prepared distinctly to express any opinion upon it. But this he would say, that where the zemindary system existed, it could not be changed without extinguishing the race of native gentlemen; and perhaps the best mode of proceeding would be not to destroy any of the existing systems, but to endeavour to improve them without effecting any very violent alteration. The next complaint in the petition was, he thought, a very just one ; it was a complaint relating to the subject of roads and irrigation. The petitioners stated that there were scattered throughout their country many evidences of the great attention which had been paid by preceding Governments to the irrigation of the land; that there were many tanks erected in ancient times which were at present in the worst possible repair, and were of little or no value; and they added, that although they were obliged to pay for irrigation, that matter was greatly neglected, and that the resources of the country were left undeveloped. He should say that it was a scandal to our rule that we had not been able to maintain the irrigation established by the Governments which had preceded us in India. In this country everybody knew how greatly land was improved by drainage; in India the great want was irrigation, which was, in fact, indispensable for insuring the productiveness of the soil. The petitioners also complained of the state of their roads; and complained, he feared, very justly. Throughout India, generally, or at least, throughout that portion of it which had fallen under his observation, there were no roads except what were called the great trunk roads, which afforded a means of communication between the more important cities and districts. Of lateral roads of communication there were none. The trunk roads even were in many instances of a very bad description; they were traced rather than made, and were in some places altogether without bridges. He had himself had to order the construction of fifty bridges in one year on a road which he had been obliged to pass. There were a few good roads in India; but those were short, and only served to connect some particularly favoured localities, and did not extend into the country for the benefit of the population generally. The consequence was, that all the heavier articles of produce — cotton, for instance, the most important — were greatly increased in price from the difficulty of transporting them; and the superabundant produce of grain of one part of the country could not be brought to repair the injury occasioned by scarcity in another. There were few countries which suffered more from drought than India, but the drought was seldom or never universal; and yet the badness of the roads rendered it extremely difficult to turn to the best account the partial spread of that visitation. He had never felt such sentiments of disgust and indignation as when he had been travelling from Gwalior through Bundelcund, at witnessing the scandalous state of the roads in a country which had for a period of forty years been under our dominion. He knew that there was a great disposition on the part of the Court of Directors to confine the Governor General to Calcutta, where he could hear nothing but through the ears of the secretaries and councillors by whom he was surrounded, and where he could see nothing but through their eyes. If he were to depend upon the information he might thus acquire, and upon it alone, he could know little about the real state of India. He (the Earl of Ellenborough) objected as much as any man to a Governor General going to live at Simla, and he objected still more to his going to live on the confines of Tartary; but if the Court of Directors should lead Parliament to imagine it to be necessary that the Governor General should be confined to Calcutta—that he should never see things with his own eyes—that he should have no opportunity of seeing how his instruments worked, and of testing the value of men's services—that he should not be able to hear the complaints of the people on the spot, redressing their injuries, and ordering the necessary improvements — in that case there would always exist in India those defects of administration which it would be impossible for a Governor General not to see when he traversed the country. The petitioners complained that the deficiency of the revenue in India was alleged as a ground why roads were not made, and irrigation was neglected. But he (the Earl of Ellenborough) believed that that was a very insufficient ground. He was satisfied that there was nothing which a Government in India could do with more advantage to its character and to the development of the resources of the country, than to borrow money at 5 per cent, if it were necessary, for the purpose of expending it specially in irrigation, but also in roads; for it was certain that the return in such a case would amount to 20 or 25 per cent on the outlay. He would never hesitate in opening a 5 per cent loan for the purpose of obtaining money for carrying out those great improvements. The petitioners expressed their opinion also with respect to the very imperfect state of education in their country, and the smallness of the sums which were devoted to that purpose. But their Lordships should not fall into an error with respect to the education of the natives of India. He recollected perfectly well having heard a great many years ago—in the year 1813 or 1814—the eloquent answer which Sir Thomas Monroe had given before the Committee of the House of Commons to a question which had been put to him with respect to the civilisation of the Hindoos. On that occasion Sir T. Monroe distinctly stated that there were native schools in every village, in which reading, writing, and arithmetic were taught; and he (the Earl of Ellenborough) believed that, as regarded these acquisitions, the people of India, or at least the people in the Presidency from which the present petition proceeded, were better educated than the great majority of the people of England. But what was meant by education in the present instance was English education; and English education, in the prayer of the petitioners, meant office, and the influence which must necessarily to a great extent follow the acquisition of the English language. This question of education was one of the most important, perhaps which Parliament could consider, with reference to the state of India and its government. If all were to be done, in the way of education in India, which some sanguine and liberal persons desired—if all the higher and all the middle classes in India were instructed as the same classes were instructed in this country, it would of course be impossible for us to maintain our dominion there, just as it would be impossible for the people of England, in our present state of knowledge, to bear the constant immigration of Brahmin and Mussulman young gentlemen, if they should be sent over every year to occupy the great offices in this country. The extension of knowledge in India, as some people would extend it, would be utterly inconsistent with British domination; and however he might be disposed—and he believed no one was more disposed than he was—to do all that could be done for the people of India, he was not prepared to do anything which could impair the security with which we at present held possession of that country. But they had other material points to consider in connexion with that question of education in India. The persons at present educated there were, with few exceptions, the sons of the lowest members of the community. The gentlemen of India would no more send their sons to the public schools in the districts, than their Lordships would send their sons to the ragged schools in this country; they would not allow their sons to mix with the persons who frequented these schools; and, besides, there existed in India a strong feeling in favour of domestic education. He believed that even if—as he had at one time contemplated—a college were established for the education of the sons of persons of distinction, it would be difficult to induce those persons to abandon the national feeling in favour of domestic education. He once visited one of the schools, and asked every boy in succession who and what his father was; and he was shocked to see how the desire to educate the people was really prostituted by giving such an education as was afforded in those schools to the very lowest class of the community. The persons generally educated in such schools were the sons and relations of the natives—and those not the most respectable of the natives—who were employed about the collectors and magistrates; so that we were rearing a sort of hereditary class of the lowest description who were to have the ear of our magistrates and other functionaries. A more injurious system than that he did not know. He recollected having gone to a school once in India, and having seen there a boy, with very fine action, spouting from Shakspeare, and enacting the part of *Brutus*—that boy being the son of a coolie, a man doomed during the whole of his life to work for his living, and not to earn more than four rupees a month. How much better it would be to teach the children in India useful arts than to give them a literary education, from which they could derive no benefit, and which could only tend to make them dissatisfied with their condition. The petitioners next touched upon a matter which was really of considerable importance, and which must be particularly interesting to his noble and learned Friends around him—he meant the administration of justice. He confessed that from the very earliest period at which he had obtained an acquaintance with any part of the administration of India, he had felt the necessity of a very great reform in the whole system of dispensing justice through English gentlemen in that country. He had felt that it was fitting that the judicial branch of the public service in India should be separated from the revenue branch, and that no person should be allowed to exercise the functions of a magistrate or a judge unless he should previously have proved that he had attained some knowledge of the law which he was to administer. That, however, was very rarely the case in India. The petitioners complained that the persons appointed to administer justice among them were in many instances, and especially in the lower departments, ignorant of the vernacular language of the districts in which they exercised their functions, and that few had applied themselves at all to the study of jurisprudence; and that those evils were further aggravated by the injudicious manner in which those functionaries were appointed and removed, so that the judicial courts were in a state of perpetual transition. They stated that a person unacquainted with the vernacular in one district, was frequently sent to administer justice in another district with the idiom of whose inhabitants he was unacquainted. They further complained that persons were occasionally raised to some of the very highest stations in the judicial branches of the service, who had very little or no acquaintance with the law; and as an instance, they cited the case of a gentleman who, although he had never done a day's duty as a judicial officer, had been made a civil judge, and appointed to an appellate office, with unlimited jurisdiction over an important district; and they cited another case in which where a judge of the Sudder Adawlut, which was the highest court of law in India, had been sent to Ceylon on some business, and a gentleman had been appointed to act in his place who, out of a civil service of twenty-two years, had passed less than two years in a judicial office. Now, how was it possible that any people could have confidence in the administration of justice when such appointments as those were made? And he (the Earl of Ellenborough) confessed that, although he had not known of any such extreme cases as those, cases of a similar character were not without his knowledge. The petitioners referred to what frequently took place when a young gentleman was sent out to India. He was made what was called an assistant-collector; he had placed under his immediate authority one or more divisions of a collectorate; and he represented his superiors both with regard to the collection of the revenue, and the performance of magisterial duty. Such a person was able to execute his functions solely by the assistance and instruction of a native moonshee; and if any error was committed, the party punished was not the collector but the moonshee. The petitioners then proceeded to offer certain suggestions. Their first suggestion was one which wore the appearance of considerable plausibility. They asked if their Lordships were prepared to grant to India any of those constitutional advantages which were enjoyed in this country, and which she generally extended to those nations under her dominion. The petitioners thought it most advisable, and indeed necessary, that the Executive should be separated from the Legislative body. They did not object to executive councillors being members of the Legislature, but they desired that other parties, representatives of constituencies to be created, should, together with the councillors, form a part of the legislative body. He did not say that natives should, in the first instance, be associated with the legislature of that country, or that any material alteration should be made in its composition. They further desired that the two Presidencies of Bombay and Madras should have certain limited powers of legislation, without the concurrence of the Council at Calcutta, and that the Council at Calcutta should be reformed in a manner somewhat similar to what they proposed as to the Council at Madras. It had always appeared to him that it would be of very great advantage to those who exercised legislative functions in India, if they had the opportunity, in all matters relating to the customs, religion, and laws of the Mussulmans and Hindoos, of obtaining the advice of respectable Mussulmans and Hindoos. The petition complained of a law which had recently been passed, and which, in their opinion, materially affected the property and religious rites of Hindoos and Mussulmans. He did not think that law would have been passed if the Government had previously consulted natives connected with the two religions which were affected by it, and he deeply regretted that the Government had not taken that course before laws on similar subjects had been adopted. The petitioners were desirous that there should be in India a committee or commission of inquiry, partly composed of persons sent from this country, and partly of persons appointed in India, who might consider all the grievances alleged to exist throughout India, and that the passing of any Act of Parliament for the purpose of continuing or altering the present government of India should be suspended until that commission had made their report. He (the Earl of Ellenborough) could not go so far as the petitioners on that point. The result of adopting their suggestion would be that there would be no alteration whatever, because the commissioners would never make a report. With regard, however, to the question whether they should institute an inquiry in India as well as by a Parliamentary Committee in this country, respecting the alleged grievances, he might mention what had occurred to him when he was first at the Board of Control. It then appeared to him that it was extremely advisable that a Commission should be sent to India for the purpose of making a financial investigation only, with a view to the decision of the question whether great and useful reductions might not be effected in the public expenditure. They were at that time in a condition of extreme financial difficulty. Reductions were made at the time to the amount of not less than 1,800,000*l.*; but the late Duke of Wellington, then at the head of Her Majesty's Government, deemed it advisable that no such Commission should be issued, and he said it would be better to leave the arrangement of matters to the local Government, under such instructions and directions as might be sent out from this country. That noble Duke feared that if a Commission were sent out to India, such a circumstance would act as a disparagement to the local Government to such an extent that it would become unable to perform its functions. He (the Earl of Ellenborough) bowed to that opinion expressed by the noble Duke; for he felt that upon all questions upon which the noble Duke had had means of acquiring accurate information—as was the case with respect to India—his judgment was almost infallibly correct. There remained, however, this question for the consideration of the House, namely, whether, if no Commission was sent to India, it would be expedient to pay the expense of native witnesses, sent for to undergo examination in this country. He had strongly advised the petitioners to send over witnesses of their own selection, at their own expense, to substantiate their case; but the petitioners thought that the expenses of the witnesses should be paid by this country. He, however, saw great practical difficulties attending such an arrangement, because, if the Government of this country were to pay the expenses of witnesses, other parties would be induced to send over witnesses to contradict the statements made on behalf of those petitioners, and thus conflicting evidence would be adduced. He was much afraid, therefore, that at the end of such an inquiry their Lordships would not be able to form a much better judgment than they could do at present. There were, he understood, to be other petitions similar to that which he was now presenting from Calcutta and Bombay. He confessed that he thought these gentlemen were rather late in the field. They knew two or three years ago when the question of the East India Company's Charter would come before Parliament, and he thought they should have presented their petititions at an earlier period. The matters which these petitions touched upon, however, were matters of the gravest moment, and such as he thought it would be highly advisable that Her Majesty's Government should take into their serious consideration. He had stated in evidence before a Committee of the House of Commons last year that it would be expedient to prolong the present state of things with reference to India for some time longer. He saw no reason to alter that opinion. Her Majesty's Government were new in office. It was a Government very differently composed from any to which the affairs of this country had been entrusted for a considerable period of time. The Gentleman at the head of the Board of Control could have but little acquaintance with the real state of affairs in India. That was notorious. He could not venture to say—not knowing to what extent the radical element which had to a certain degree been introduced into the composition of the Government for the first time went—how far it might affect their measures with regard to this country. He would not, therefore, undertake to say that he could profess any great extent of confidence in the measures which Her Majesty's Government might propose; but this he would say, with the most perfect frankness and sincerity, that he had much better hopes from Her Majesty's present Government, with respect to India, than he had from the late Government or from the Government that preceded it. He asked only for time. He could not but think that the people of this country were beginning now, for the first time, to look to the great question of the form of government in India. He considered that the longer that question was before the public mind and before Parliament, the better the chance that Parliament would come to a correct decision. Now, what he asked, and all he asked, was this: Their Lordships had heard the grievances stated by the petitioners; they knew the difficulties in which the Government of India was involved; they were aware of the composition of the present ludicrous constituency by which the Court of Directors was elected; they knew it was in evidence that that strange mode of electing persons who were to have a certain share of power over India led to the selection, not of the fittest, not of the ablest, but, almost without exception, of very ordinary men. Now, what he asked for India and for the Government of this country was, either that their Lordships would so reform the constituency as to afford the best chance that able men might be elected who would be practically acquainted with all the different departments and Presidencies; or that they would, by a different arrangement, and he thought a better one, provide for the selection of such persons by the nomination of the Crown, aided by the experience of the Governor General. All that he desired was, that there should be in this country a body in the character, practically, of a Cabinet Council for the Minister of India, for whom that Minister could entertain respect, and in whom the Government and people of India could place confidence. He was satisfied that the true remedy for the grievances of which the petitioners complained, and of all other grievances existing in India, was not in undertaking a Parliamentary investigation, by Committees, of the details of Government, and endeavouring to deal with details which it was impossible for such Committees to master; but in improving the form of government, and taking every security to obtain, with regard to the affairs of India, in this country, the advice of able, respectable, and competent men—men whose opinions would have weight and authority with the people of that country. He had now done his duty, and it remained for him only to ask whether Her Majesty's Government intended to propose any measure for the future government of India during the present Session?

The EARL of ABERDEEN: I have to inform the noble Earl that the subject which he has brought under your Lordships' notice has been fully considered by Her Majesty's Government, and that, after much consideration, we have come to the conclusion that it is our duty to propose a measure for the future government of India during the present Session of Parliament. I therefore am unable to acquiesce in the desire which has been expressed by my noble Friend, that we should defer legislation on that subject. I will not at present say to what extent the duration of the Government we propose to establish may be extended; but I must, without the slightest reserve whatever, reject the proposal which has been made by my noble Friend to have a continuing Act for one or two years. Further than that I am not prepared at this time to say anything, except that the measure which we shall have to propose, although embracing modifications of the Indian Government both in this country and in India, will be founded on the system now existing. The Committees on the Affairs of India are still continuing their inquiries, and will, no doubt, take into their consideration the grievances which have been referred to in the petition which has been presented by my noble Friend—so far, at least, as these may involve matters for legislative interference here. It appears to me, however, that most of those would be more properly left for the action of the local Government; but, as I have said, such of those as may require legislation here will naturally come under consideration of the Committee, and will be dealt with in their report. At present the Committees of both Houses of Parliament have only finally concluded their inquiries on the branches connected with the administration of the Government of India, and on that point I think we are fully prepared to proceed.

The DUKE of ARGYLL did not know whether many of their Lordships had had an opportunity of examining the details of the petition which had just been laid on the table by the noble Earl who had introduced the subject to their consideration; but, as it was possible they had not, he was anxious to direct the attention of the House to a few points in the petition which he thought were well deserving their attention; because the noble Earl who had presented the petition had given an account of it sufficient for his purpose, perhaps, but not, so far as he (the Duke of Argyll) was able to judge, sufficient for all purposes. The noble Lord, in putting the question of which he had given notice, had suggested that the present state of things with respect to the Government of India should be continued for a certain period, with a view to further inquiry into that subject. Now, he confessed that he thought that the petition which had been laid upon the table was intimately connected with that great and most important question—whether they were to act now, or to postpone any measure in respect to India for an indefinite period, pending farther inquiry. He did not think the noble Lord had put forward those portions of the petition which most bore upon the subject. The petition, the noble Lord had told them, complained of various grievances connected with the internal administration of the Presidency from which it had emanated (Madras), and it appeared it was to be accompanied by similar petitions from the other Presidencies; but it also referred to certain great constitutional questions to which they were anxious to direct the attention of the House—the petitioners stating that they were encouraged to bring forward their petition in order to avail themselves of the Parliamentary investigation into the condition and government of British India. Now it was quite clear that with reference to the internal administration of the Presidencies it was competent to the petitioners to have brought forward their grievances at any time; but it would appear they were under the conviction that the attention of Parliament would at this time be more directed to Indian affairs, in connexion with the renewal of the charter, than at former periods. But it struck him that the influence which they attributed to the fact of the whole question being at present under the consideration of Parliament had had some effect on the tone and manner in which they had stated their grievances with reference to the internal administration of the country, which he confessed he did think open to some objection. For instance, with reference to the alleged "unwillingness of the Company and the local Government to expend money on the construction of roads," the petitioners said—

"Your petitioners submit that it is the bounden duty of the State which reduces them to their miserable condition, and keeps them in it from charter to charter, to spend a far larger portion of the revenues upon the improvement of the country whence they are derived, than it does at present. It can find money to carry on wars for self-aggrandisement, to allow immoderate salaries to its civil service, to pension off the whole of its members on 500*l.* a year each, and to pay interest at 10 per cent to the proprietors of East India Stock—all from the labour of the ryot; and, when he requires roads by which he might find the means of bettering his condition and that of the revenue, he is told that he must make them for himself."

There were some other statements in the petition to which he could have wished his noble Friend had directed the attention of the House, in order to show the manner in which the petitioners occasionally expressed themselves. It had been the desire of the Christian population resident in India, connected with the Army and otherwise, that there should be some addition made to the number of clergymen employed there in connexion with the Anglican and Scotch Churches. What were the terms which the petitioners used in speaking on that subject?—

"They admit the propriety of military chaplains for the European troops, but repudiate the injustice of the people of this country being compelled to support a couple of State establishments for a mere handful of foreigners, professors of a foreign creed."

Now, these were hardly terms which ought to be applied by the natives to the Christian religion when addressing their Lordships. Then, again, among other demands to which the noble Earl had not made even a passing allusion, was the demand that Haileybury should be totally and entirely abolished, "as a useless expense and an unjust incubus on the finances of India." And this request was based upon the strange ground that all the money derived from the revenues of India should be entirely spent within the limits of India. Their words were—

"That, whatever institutions shall be deemed requisite to educate persons for accession to Government employ, may be established and maintained in India, so that the money derived from the revenues of the country by which they are supported may be spent within it."

Now, he must say that a request more monstrous was never addressed to the British Parliament. The petitioners ended by requesting that a mixed commission (and this the noble Earl had referred to)—that a mixed commission, composed partly of Europeans and partly of Natives, should be appointed to inquire into their grievances, and that, for the accomplishment of this object, the present charter of the East India Company should be renewed from year to year until a new agitation had been got up in the country, and until that mixed commission had given in their report. Now, he confessed that, so far as his humble voice had any weight in the decisions of Government, he was of opinion that it was their duty to proceed with the new Act for the renewal of the East India Company's Charter, and not to renew it from year to year. The noble Earl had said that on a former occasion he had submitted an opinion to the Government of the day that they ought to appoint a Commission of Inquiry; but that he had yielded to the opinion of the Duke of Wellington that the appointment of a commission would injuriously affect the authorities on the spot. The same objection applied to the proposal of a Commission now. He objected to it because it would have the effect of setting up a sort of provisional Government for India while the inquiry lasted; and the people, under the impression that the existing system might be totally changed in consequence of the inquiry, might be induced to get up a new system of agitation, and thus affect the authority of the existing Government. The noble Earl had said, that considering the composition of the present Government—considering that it included certain Radical elements—he was unable to collect what course they were disposed to take with reference to the affairs of India; but he confessed, at the same time, that he had more confidence in the present than he had had in the late Government; and no wonder, for the noble Earl, in regard to the affairs of India, was himself the greatest Radical in existence, and it was only natural, therefore, that what he called the Radical element of the present Government should inspire him with something like confidence. He hoped the noble Earl would not suppose, that in consequence of his (the Duke of Argyll's) having had the advantage of sitting for one Session of Parliament as a Member of the Committee on the Affairs of India, he conceived himself competent to debate with him on the manifold questions of great importance respecting those affairs which the noble Earl had made his study during a considerable portion of his life, and which had occupied the intellect and ingenuity of some of the greatest men this country had produced; but he felt bound to say, that in his opinion, if one thing had been proved more than another by the terms of this petition, as well as by the general aspect of affairs, and of expectations, it was this: that it would be infinitely better on all grounds to make any change, however violent, in the Government of India, than not to decide at once upon the subject; as the effect of acting otherwise would necessarily be to place that great empire under a provisional Government, and give a direct encouragement to new agitation, and to demands which no Government could possibly accede to.

The EARL of ELLENBOROUGH said, the reason why he had not gone through all the statements in the petition was, that it occupied forty-one closely-printed pages, and would have taken him three hours to read it. Besides, it was not his business to answer the petitions he himself presented. His business was merely to bring before the House the most important statements they contained. But he begged their Lordships to bear in mind, in connexion with what was said about education by the noble Duke, who had called their attention to certain expressions in the petitions which he thought should hardly have proceeded from loyal subjects of the British Crown, that the petitioners were Natives of India, and educated Natives.

The MARQUESS of CLANRICARDE remarked that, if anything had been required to prove that they ought to proceed with great deliberation on this subject, and not be in a hurry to settle the question definitively this year, the speech of the noble Duke was the best that could have been made. The noble Duke had called the attention of the House to various strong expressions which had been used by the Mahomedan subjects of the British Crown, in reference to the grievances which existed in India. Now, if that was the state of things in India, did it not prove that the House ought to pause before they continued a system which had led to such opinions? Another petition had been presented that night, namely, a petition from the proprietors of East India Stock, in which as much fault was found with the Government of India as the petition which the noble Earl had presented; but the part of the Government with which it found fault was not the local Government, but the Government in Cannon Row. He protested against the noble Duke's speech being considered as conclusive upon the great question which they had to consider.

Lord CAMPBELL said, there was only one point on which he felt himself competent to give an opinion with reference to the subject then under consideration, and that was the administration of justice in India. He had sat for many Sessions in the Judicial Committee of the Privy Council, to which appeals from the Supreme Court of India were referred, and he was satisfied, from what he had seen there, that justice was admirably administered in the higher Courts of India. The appeals which had come before the Committee from the Sudder Adawlut, which was the highest Court in India, had impressed him with the highest idea of the legal attainments and great experience of the Judges of that court. They were men who would have attained the highest eminence in this country had they remained here. He alluded especially to the Judges on the bench of Calcutta, of whom he need only mention the name of Sir Laurence Peel as an example. But whenever the proceedings of the inferior courts h d come before the Committee, he had been compelled to feel that the gentlemen who occupied the bench in those courts were wholly uninformed of the principles on which justice should be administered. In this country, a long course of experience—twenty years at least—was considered necessary to qualify a man for the position of a Judge; but in India a young man despatched from the College of Haileybury, with at best a very imperfect acquaintance with the languages of India, was at once made a Judge. He had not even the advantage of only acting in that capacity—for one day he was a judge of civil cases, the next day a collector of revenue, and the next a police magistrate. He (Lord Campbell) had no doubt those young men went out with the best intentions—he believed, indeed, they were ingenuous youths, but that they possessed none of the qualifications of judges, and the consequence was that their decisions were often entirely opposed to every principle of justice. The noble Duke who had spoken in the course of the debate (the Duke of Argyll) had, he thought, been somewhat prudish in his criticism on the phrases which had been used by the natives of India in describing their grievances; it was not reasonable to expect them to be very mealy-mouthed; and for himself, as far as regarded the administration of justice in the inferior courts, he thought no language could be too extravagant in describing its enormities.

Petition *referred* to the Select Committee on the Government of the Indian Territories.

House adjourned to *Monday* next.

HOUSE OF COMMONS,

Friday, February 25, 1853.

Minutes.] Public Bills.—1° New Trials (Criminal Cases); Commons Inclosure (No. 2).
2° Oaths in Chancery; Inland Revenue Office; Metropolitan Improvements (Repayments out of Consolidated Fund).

COUNTY OF WATERFORD ELECTION COMMITTEE.

Sir JOHN TROLLOPE said, that it was his duty to state to the House that he had received a communication informing him of the decease of the brother of one of the Members appointed to try this petition. Colonel Vernon Harcourt had addressed a letter to him stating that he (Col. Harcourt) had just heard of the death of one of his brothers, and that, although it was his duty to appear at the table of the House at Four o'clock, in order to be sworn, he trusted to the indulgence of his fellow-committeemen and of the House for one week, if that indulgence could be granted to him. It was clear that, under those circumstances, the Committee were not in a condition to act, inasmuch as it was necessary that the Members should be sworn at the table. In support of the letter which had been addressed to him, he (Sir J. Trollope) held in his hand an affidavit made by Lord Hotham, who stated that he had received information of the death of the brother of Col. Harcourt. Under these circumstances he (Sir J. Trollope) had to move that the House would be pleased to dispense with the attendance of Col. Harcourt; that the present Committee be discharged; and that it be referred to the Committee of Selection to appoint another Committee. That, he thought, would be a better course than that the Committee already appointed should adjourn its sittings.

Mr. T. DUNCOMBE said, he would beg to inquire upon what clause of the Act relating to contested elections the hon. Member rested his Motion?

Mr. SPEAKER: On the 71st Clause.

Motion *agreed to.*

NORWICH ELECTION.

Mr. FORBES MACKENZIE said, he wished to know from the hon. Member for Finsbury (Mr. T. Duncombe) what course he intended to pursue in the case of the Norwich Election Petition. He had understood that the hon. Gentleman was prepared with some proposition; but on looking to the Votes of the day he saw no reference made to the subject. It was desirable that some course should be taken, as the name of an hon. Member was involved, and the sooner it was inquired into the better.

Mr. T. DUNCOMBE said, that the House having thought fit to take the matter out of his hands last night, he did not hold himself at all responsible for the matter. No doubt, the House had placed itself in a very peculiar position with regard to the public. Here was a charge made, and there appeared to be no means of inquiry. He had been advised to refer the petition to the Committee of the hon. Member for West Surrey (Mr. Drummond) which was *in nubibus*. He was quite ready for inquiry, and wished to have it at the bar of the House. He believed the Tory electors had been very ill-treated by the Tory party in that House, and by the Carlton Club. Mr. Brown had no authority whatever to act as he had done. It was a fraud on the House; but Mr. Speaker had decided that a fraud on the House was not a breach of privilege. If the noble Lord (Lord J. Russell) would consent to it, he would move for the appointment of a Select Committee to inquire into the case at the time of private business on Monday next.

THE PEACE SOCIETY AND THE MILITIA.

Order for Committee read.

On the Motion that the House go into a Committee of Supply,

Colonel NORTH said, he was anxious to make some inquiry into the truth of the statements made by the hon. Member for the West Riding (Mr. Cobden), and the right hon. Member for Manchester (Mr. M. Gibson), at a meeting in the Free Trade-hall of Manchester, on Jan. 28, because his vote on the Army Estimates might be influenced by the result. A few days ago a letter had been read in that House from a person named Somerville, who had been in the Army, and was flogged. The Peace Society attempted to raise a popular feeling against the militia by quoting the case of Somerville, who, however, in a letter which did him infinite credit, repudiated the attempt. But the right hon. Gentleman (Mr. M. Gibson), after talking a good deal against the armaments of the country, and especially against our defensive preparations, used these words:—

> "But we have also got one or two generals on our side, and one of them, General Evans, the Member for Westminster, made a similar calculation in reference to the French army and to their arrangements, and he proved to the House of Commons that the French had really not more than some 15,000 disposable soldiers; so that it appears to me that by making this sort of arbitrary calculation—by saying that you must keep an army afloat always—going backwards and forwards to the Colonies, or in the Colonies, or distributed about according to the caprice of the person who is making the speech for his own purpose, you may prove anything; and if we voted ten times the Estimates, and gave the Executive of the country a much larger force than they now possess, by this sort of arbitrary and capricious arrangement of the forces you might reduce the largest force to a very small one, in reference to the defence of the country in case of invasion."

He wished to know from the hon. and gallant Officer whether he had really used the language attributed to him. Adverting to the other branch of the service, the right hon. Gentleman spoke as follows:—

> "Sir Henry Parnell—a high authority—declared that there is no effective mode of enforcing economy in the expenditure for our great establishments in the Government, except by refusing increased grants, and calling on them to do with less. I believe that that course within certain limits is the proper course to take in order to ensure economy, and that it is impossible for Members of Parliament to bring themselves into successful opposition to persons connected with dockyards and the military profession upon every point of detail; and if the country, in reference to the armaments of foreign States, and in reference to the general foreign relations in which we are placed, considers that the amount demanded is too large, then, I say, let them take Sir Henry Parnell's advice, and without going into every minute matter in dockyards and in regiments, let them say, 'You have got your 15,000,000*l.* or your 14,000,000*l.* and we will refuse any increase on that demand, and in that way we will oblige you to carry out these matters of economy which have been recommended by persons connected with the various professions during difficult periods of our country.' Why, only consider; Sir James Stirling himself, a man high in the navy, actually in a committee of the House of Lords upon the question of the Navigation Laws, declared that it was his opinion that the number of officers in the British navy over and above what was really necessary for the work to be done either in peace or in war—observe!—was equal to the keep of 20,000 seamen. Is that true, or is it not? Have they contradicted Sir James Stirling?—as high an authority, I contend, upon naval matters, as any one in this country. Not a bit

of it. Not one word has been said to dispute the truth of that statement. Well, then, I say, can you expect these anomalies to be rectified if Members of Parliament are to be put down as enemies of the country and foolish visionaries, who are desirous of scrutinising carefully our naval and military expenditure, and who refuse, in addition to large estimates, to grant indefinite increases merely founded upon some foolish panic?"

And the hon. Member for the West Riding (Mr. Cobden) elicited cheers from his audience by such language as the following:—

> "We want to create such an effect on public opinion, and speedily, too, that we shall change altogether the tendency of the press, and the tendency of the legislation of Parliament. Why, I want, in the first place, to see twenty or thirty men in the House who are resolved that they will hold no terms, give no allegiance to a Government, that takes another step in the direction of increase of our armaments, unless some facts and evidence are shown as to the necessity for it. Now, I say for myself, I pledge myself—and I have not been wanting in my word in Parliament in what I have said in this hall—pledge myself that I will hold no terms with any Government that repeats what I have seen so often done—that while on their lips you hear expressions of the most perfect confidence and reliance on the good intentions of the Government of every other country, yet they are in the same breath proposing an increase of our warlike establishments. I will hold no terms with that Government, call it what you will, Whig, Tory, or Peelite—I will do my best to turn out that Government; and when that Government is out, I will give notice to its successors that they shall have the same terms from me, if they pursue the same course."

The hon. Member for the West Riding had appeared in the character of a prophet, and surely never was there a more false prophet. He prophesied there would be no more French revolutions; but the words were scarcely uttered when the French were cutting one another's throats. Since the hon. Gentleman had announced that there was no danger of an invasion, he (Colonel North) actually began to suspect that the French would make a descent upon our shores. The hon. Gentleman appeared before the public not only as a prophet, but as a conjuror, for he said the French had as many silver spoons to lose as the English, which, deeming the population of France was more than double that of England, was a very surprising and clever statement. The hon. Gentleman did not confine himself to prophecies, but he indulged in some witticisms at the expense of the militia. He said they were a parcel of simpletons. He (Colonel North) did not think such language was very becoming, proceeding from a Member of the Legislature—a Legislature, too, which had just declared by a large majority that the militia was necessary for the defence of the country. Now, he begged to tell the hon. Gentleman, who was so fond of sneering at the militia, and at those agricultural districts which showed the greatest zeal and readiness to enlist in that force, that his aspersions, and the ridicule he attempted to cast upon the militia, recoiled upon himself; and the inhabitants of those agricultural districts were prepared not only to enlist in the militia, but to spend the last sixpence in their pockets, and the last drop of blood in their body, on behalf of their country. The hon. Gentleman had taken up the position of a dictator in that House, and had said that unless Members voted as they ought to do, his hope was that the country would put such a pressure upon them as would bring matters to a speedy issue. The hon. Gentleman also sneered, as was his custom, at the Army and Navy; and he was sorry to say that his remarks seemed to have been received with applause by the audience whom he addressed. He (Colonel North) well remembered having commanded a force of 100 men in the manufacturing districts, whose presence was necessary in order to protect factories from the violence of the people. Upon such occasions as these, neither the hon. Gentleman nor his auditors would be inclined to sneer at those brave men whose lives were always at the disposal of the State. He would conclude by asking the hon. and gallant Member for Westminster whether the words attributed to him were correctly given?

Sir De LACY EVANS said, he considered it necessary to say a few words after the allusion that had been made to him by the hon. and gallant Gentleman. He could not charge his memory at this time with the exact words which he had used with regard to the French Army; but he was sure that it was a mistake to represent that he had ever said that there were only 15,000 men of the entire French Army who could be available for any attempted invasion of England. He could only recollect that he had argued that the large number of troops required for the numerous garrisons throughout France would diminish very considerably the amount of force which would be available for any such invasion.

PENSIONER BATTALIONS.

Mr. RICH said, that previous to the House going into Committee of Supply on the Army Estimates he wished to bring under the notice of hon. Members the expediency of gradually increasing the numbers and efficiency of our reserved force of pensioner battalions without detriment to the established militia and regular forces. It was not his intention to follow the hon. and gallant Member (Colonel North) into the remarks which had fallen from him; but he wished the House to consider, not the amount of our forces, which would be moved for to-night, but whether we might not obtain much greater advantage from those forces than as yet we had received from them. The Army ought to be regarded in its two branches — the active army and army of reserve; but it had been too much the custom to look only to the active army. More attention had, however, been recently directed to the reserve branch, and a militia had been formed, perhaps hurriedly, but he would not at the present time discuss the value of a militia. All parties wished the cost of the standing Army to be reduced so far as was consistent with the security of the country; but no considerable reduction could be made until we possessed a powerful reserve force equal in every military respect to the regular troops with which it might be called upon to act, whether in garrison or in the field. Some years ago the noble Lord now at the head of the Army organised a system of pensioner battalions, fitted to form the nucleus of an army of reserve. Before that time, it was true, the pensioners might be called out on any emergency; but it was to Lord Hardinge that the country was indebted for their organisation; and now we had a force of some 30,000 enrolled pensioners, ready to be called out at a moment's notice, at a cost of 40,000 a year, or little more than *25s.* per head. A portion, indeed, of these veterans of fifty-five years and upwards had never yet been called out, and never would be except in case of emergency, when very possibly they would act in garrison or in some other position where experience and coolness were more requisite than strength and energy; but the remainder—those ranging from forty to fifty-five years, and amounting to from 16,000 to 18,000—had been called out, and were duly exercised every year: from their steadiness under arms, and the precision of their movements, it was clear they might render the greatest service in cases of sudden emergency; but no one could expect them to be equal to the wear and tear of a long campaign. Neither were they in numbers sufficient to form an army of reserve; but happily we had the means of increasing those numbers, and rendering them efficient for all purposes. How this could be accomplished he would endeavour to show. In the first place, our Army at present consisted in round numbers of 150,000 men. The right hon. Secretary at War would to-night ask for 100,000 for the home and colonial stations: we had 30,000 more in India; and there were also the artillery, sappers and miners, and the marines, making about 30,000 more; giving a total of 160,000, or (exclusive of commissioned officers) 150,000 in non-commissioned officers and rank and file. Now, if these 150,000 men were by annual rotation to be renewed every tenth year, then each year would successively throw out, if enrolled, some 12,000 or 14,000 men, which would give us, in ten years, an army of reserve of 100,000 men. This was much more than we required; but he was only showing what a powerful machinery we had at our command for raising an army of reserve. From the total number of soldiers annually completing their regular twenty-one years of service, and entitling them to a pension, large deductions must be made for those whose constitutions were so broken down as to be unable to serve in the first-class pensioner battalions, or indeed to serve at all; but, upon the whole, there were between 1,000 and 1,200 who annually went into the pensioner battalions, and filled up the vacancies caused by death or increasing infirmity. The influx thus did little more now than supply the efflux; we must, not, therefore, under the present system, expect to extend our pensioner battalions to much more than from 16,000 to 18,000 men. He wished to say nothing in disparagement of this body of men; but it was clear that they were not equal to the exigencies of national defence. But those exigencies might be met: that national defence might most safely and advantageously be derived from our regular Army. Now, in looking at that Army, the first thing that arrested his attention was the fact, that although the men were well paid, well fed, well clothed, and well treated in every respect, yet the service was not popular with the class from which it should be recruited. The proof of this was apparent from the number of purchased discharges that took place, and the privations to which the relations of young men who had enlisted would submit in order to buy them off. A clearer proof still of the unpopularity of the Army was the fact that so many men who had been twelve or fourteen years in the service, and would in a few years longer be entitled to a pension, were found desirous to forfeit their pension rather than continue in the service for the lengthened period of twenty-one years. That is, to sacrifice what was even then worth from 100*l.* to 200*l.* Now, in all the other departments of the State so long a term as twenty-one years was not insisted upon before the parties were entitled to a pension. Our excisemen, custom-house officers, tide-waiters, and coast-guardmen were under certain conditions entitled to superannuation after ten years' service, and there was a graduated scale for longer periods. Why, then, should the Army be placed in a worse position than the civil services in this respect? Why should our soldiers not have the option of retiring on smaller pensions for shorter periods of service? If that boon were conceded, it would do more to popularise the Army than any other measure that he could name. By making the pension commensurate with the reduced term of service, they would lower the average age, and largely increase their number of pensioners without increasing the charge to the country. The amount of pension paid to these men would be rated in proportion to the number of years they had served, and without going into abstruse calculations of the values of lives, it might fairly be asserted that two men upon a pension of 6*d.* a day would not cost more than one man upon 1*s.* a day. But, while this plan would not add a shilling to the public charge, it would double the numbers and quadruple the efficiency of the army of reserve. We must consider also, that after twenty-one years' service, a soldier's habits are formed, and it becomes difficult for him to revert to his former calling. He is, too, in the receipt of a pension which just enables him to "get on," as it is called, and there is danger lest an idle and perhaps not a particularly sober person be thrown upon the public. If, on the other hand, you gave him a small pension, after ten years' service, he would not at the end of that time have so far forgotten his early occupation as to be unwilling or unable to revert to it. At all events, he would find work more easily, and not having wherewithal to live without it, would seek for it more zealously. The Government would thus raise the whole tone and condition of the Army, and might ultimately so change a large portion of the recruiting service. There was another reason for adopting the plan of short pensions for short service. The Short Enlistment Act had been about five years in operation, and the first series of men who had completed their term of service would ere long be turned loose upon the world. Each successive year there would be a like number of men entitled to their discharge under this Act, and it was highly desirable they should not be cast adrift, and lost to the Army. Lord Panmure, when Secretary at War, proposed a clause entitling these men to a small pension upon completing a short additional term of service; but this clause was unfortunately withdrawn. The colonies furnished an additional argument in favour of his plan. There were now 2,000 pensioners doing good service in Canada, Australia, Van Diemen's Land, and the Cape of Good Hope. If the House should adopt his suggestion of materially increasing the number and lowering the average age of the pensioners by reducing the number of years of service in the regular Army, it would soon be in the power of the Government to encourage the emigration of a body of military settlers, whose presence would afford the colonies an admirable means of defence; while the regiments now there might be withdrawn, and the expense of their maintenance and transit would be saved to the home country. The only objection to his plan was, that it would drain the Army of some of the best and most valuable soldiers. But is a reluctant, although an old soldier, really so very valuable? At all events, the pensioners under his plan would be available for their country's most pressing service, and at a moment's notice. The best period of a soldier's service was between his sixth and twelfth years—and this the regular Army would retain; while the country would have the prolonged benefit of his active or latest services during the whole extent of his military life: many of the soldiers who would be entitled to their discharge, would, he had no doubt, prefer to remain with their regiments. These willing and experienced veterans who do form the backbone, and give heart and tone to a regiment, would, in no degree be affected by his proposal, which would only drain off, and usefully drain off those men, who from various causes, grown weary of the service, not unfrequently degenerate into schemers and grumblers. He did not intend to interfere with pensions as they now stood. Let the full-time pensions and full-time service remain, but let it be accompanied also by small pensions for short service. By such a mode they would give alacrity and cheerfulness to the Army, at only an extra expense of 40*s.* or 50*s.* a year per head for annual enrolment and exercise. The plan he proposed would, by providing a reserve force large enough for all purposes of national defence, relieve the country of those periodical alarms which reflected so much discredit upon it, and which not unfrequently caused it to run into not very wise, although very expensive, temporary expedients.

MR. SIDNEY HERBERT said, he had listened to the statement of his hon. Friend in reference to the advantage which would result from a different system of organisation for the pensioners of the Army, and had heard also a similar proposal made by him last year in a very ingenious and elaborate argument, in which he endeavoured to show that his plan offered a preferable substitute for the militia. It appeared to him (Mr. S. Herbert), however, that the proposal of substituting an army of pensioners, whose services could not be secured until the expiry of a period of ten years from 1847, under the Limited Enlistment Act, would not give us a force at all commensurate for the purposes of defence with that which had been given by the militia. At the same time, he must acknowledge that, in consequence of the alteration as to the term of military service, very properly introduced by Lord Panmure, his predecessor in the office he held, it would become necessary to take some measures for replacing the organisation of discharged pensioners as soldiers available for any exigency. He did not himself believe that the effect of such a measure would be so great as the hon. Gentleman thought, because when the system of discharging men after short periods was first introduced by Lord Hardinge, the expectations entertained as to the increased number of persons thus become habituated to the use of arms, by no means justified the result. When men who were formed into soldiers had the power of leaving the service when they chose, very likely the temptation to do so would be diminished by its being placed within their reach. The men of ten years service and upwards formed the real strength of the Army, from their length of service, experience, and habits of attachment to their standards; but the House would be surprised to find how few they were. He believed that when ten years of service were performed, it would be found that, instead of availing themselves of the opportunity of leaving the Army and settling in some of the occupations of civil life, the majority would be inclined to continue in the service. He did not adduce this as any reason whatever against making some alteration on the principle advocated by the hon. Gentleman, because he thought it a very sound position that they should not disperse throughout the country a very large body of men inured to arms, and who could render great service to the State if necessary, without keeping some hold of them, and having the means of securing their service in case of emergency. It would be matter for consideration how this should be effected—whether by deferred pensions, or by temporary pensions granted for short periods after ten years' active service. At present, the commanding officers of regiments were very unwilling to lose men of ten years' service; and no doubt the discipline and spirit of regiments depended very much on men who had served in it for some years. He would not detain the House by entering further at present into a question which was well worthy of consideration, and to which the military authorities were disposed to give their best attention.

THE BURMESE WAR.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR HENRY WILLOUGHBY said, in moving the Address of which he had given notice, he wished to direct the attention of the House to a few circumstances connected with the Burmese war, as they were made to appear in the documents now on the table of the House, which brought the accounts down to March, 1852. He should not have pressed the matter if he had not felt that the whole question of peace and war in India ought to be considered by Parliament. In other cases of wars, there was in Parliament a responsible Minister to go to, and an House of Commons to guard the public purse; but in India there was no check on the exercise of the practically unlimited powers lodged in the hands of the Governor General and his advisers. The war in which we had lately been involved with the Burmese might be a just one or not; if it were not just, we had got into a hopeless scrape. The question in his mind was, whether this war might not have been avoided, and whether, in point of fact, the British Empire had any great interest in carrying this war to a conclusion. He thought that of late years the military and naval forces of the Empire had been directed with too great recklessness against those nations of the earth who happened to be less advanced in civilisation than ourselves. We all know what had been the consequence of invading Affghanistan, and also of the Burmese war in 1825, which had led to such a waste of treasure. The Indian finance was damaged to the extent of ten to twelve millions, though it was true we recovered 1,000,000*l.* of the expense from the King of Ava, paid in very doubtful coin; but it would be difficult to make out that the British Empire gained much by that transaction. He wished, however, to call attention to the origin of the present war in Burmah. It arose in 1851 in consequence of wrong done to the owners of two ships, and he believed so far there was a good foundation for it. But he should like to ask the noble Lord (Lord J. Russell) whether there was any definite policy laid down to induce the Governor General to take the course he did? The policy began on a demand for 10,000 rupees, or under 1,000*l.*, and in one year it changed into the annexation of one of the most valuable provinces of the Burmese Empire. So great had been the change of policy, that he (Sir H. Willoughby) wished to know the ground of it. On the 31st of October, 1851, the Governor General laid down the principle of negotiation, and that there should be no act of hostility till definite instructions were given by the Governor General to the party charged with the negotiation. On 28th November, 1851, Commodore Lambert was sent to Rangoon to negotiate and to obtain redress, by the recall of the Governor of Rangoon. The Governor was recalled, and in January, 1852, Commodore Lambert expressed great confidence in the intentions of the king. The new Governor of Rangoon having arrived on 2nd January, a dispute arose on a question of etiquette, which was very strictly observed in Ava. The Governor expected a visit from the Commodore; but an inferior officer having been sent, differences arose, and on the night of 6th January, the Commodore took possession of one of the King of Ava's ships of war, and in carrying it off on 10th January a contest took place, in which many Burmese were killed, and on that day the whole question of peace or war was determined. If Commodore Lambert had not succeeded in negotiation, he should have established a blockade according to his express orders; but instead of that, by way of reprisal, he took a ship of war, and from that time all hope of accommodation ceased, and thus the course taken by the Commodore defeated the peaceful policy of the Governor General. No allusion was made in the despatches to the wrongful seizure of that ship, which was the cause of the war. After the loss of the ship, the Burmese were still willing to negotiate, and they sent a letter in a case covered with velvet, and officers with golden umbrellas, to the Resident at Moulenden, to see if he could bring matters to a happy conclusion; and yet, after all, we had this second edition of a Kafir war, with the addition of swamps and a pestilential climate. It was most important that no war should be undertaken in India without the distinct authority of the Government at home. This was not a war in India Proper. What was intended? Were we going to annex the whole Burmese Empire, and then go further? The people on the frontiers were robbers, and just the sort of neighbours we should wish to avoid. It was said Pegu would pay; but how were we to defend the frontier? When we saw the effect of the war there, it must be felt that the responsibility of the question of peace or war should be in the hands of some one in this country. With regard to the military operations, he did not believe that at home we had sufficient data to form an opinion upon them; but it was clear there had been a great vacillation in policy, towns had been taken, evacuated, and retaken with loss of valuable lives. If any proof was wanted of the kind of enemy with whom we had to deal, it would be found in the despatch of General Godwin of 29th December. It was a despatch sufficiently elaborate to have described the battle of Waterloo, yet not a single Burmese was taken killed or wounded. He wished to know whether the right hon. Baronet the President of the Board of Control would grant the papers he (Sir H. Willoughby) asked for. It had been supposed that the power of peace and war lay with the directors of the East India Company in Leadenhall-street; but in fact they were just as much responsible as he (Sir H. Willoughby) was, and all they had to do was to pay. Nor was the power in the Secret Committee, which was only a means of communication between the Board of Control and the directors. He thought the war had not originated with the Governor General, but in the hasty acts of Commodore Lambert in seizing the Burmese ship, after which diplomatic negotiations were at an end.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'An humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies or Extracts of Communications which may have passed in reference to hostilities in Ava, and in relation to the annexation of any portion of the Burmah territory to the British Empire in the East' —instead thereof."

Sir CHARLES WOOD said, he did not think that the House would be of opinion that this was a convenient opportunity for discussing the latter part of the hon. Gentleman's observations as to the responsibility on the question of peace and war in India. An opportunity would, without doubt, occur in the course of the Session for that discussion. With regard to the Motion of the hon. Gentleman, he (Sir C. Wood) had intimated that he would lay on the table all the papers, completing the information contained in those which had been laid on the table at the close of the last Session. The war in Ava had reached an epoch by the annexation of Pegu; and he thought that the House should be put in possession of all the papers, and they were now in the hands of the printer. Should the hon. Member, after reading the papers, be desirous of reopening the subject, he (Sir C. Wood) would be prepared to meet him. At the same time, it was desirable to correct, on the present occasion, an error in the statement of the hon. Member. It was not strictly accurate to say that the war originated in the question of etiquette which had been referred to. It might have been the proximate cause of hostilities, for it was a realisation of the old proverb, that it is the last pound that breaks the horse's back, and it was the last of a series of injuries and insults on the part of the Governor of Rangoon which led to consequences which were as much deprecated by the Governor General and the authorities at home as by any one. Every effort had been made to avert hostilities. It was said that in Ava much importance was attached to ceremonies; but that was the case among all Oriental nations, and a submission on our part to studied insult would have been construed into a sign of weakness. The insult offered was most offensive and grievous to a British officer. An opportunity was given to retract, to apologise, or to explain; but no step of that kind was taken. Under all the circumstances he would say no more at present. The Governor General was anxious to avoid annexation, but the step was forced upon him, and he (Sir C. Wood) was convinced that when the House saw the papers, they would agree with the present and the late Government in approving his conduct, and admit that all he had done was forced upon him by the Government of Ava. After a careful review of the instructions sent out by his (Sir C. Wood's) predecessor, he must say that he entirely concurred in them. He would now only repeat that the House would be in a better condition to discuss this question when the papers were before them, which they would be in three or four days.

Mr. HUME said, he agreed with the right hon. President of the Board of Control that the present was not the most convenient time for discussing the subject. The hon. Baronet opposite (Sir H. Willoughby) should know that the responsible Minister for India was the President of the Board of Control, and that everything that took place in reference to peace or war was by his authority. The people of this country erroneously supposed that the East India Company had the power of making war in India; but they had no more to do with it than he (Mr. Hume) had. At this moment the Court of Directors were not in possession of a single despatch to show the origin of the war, and were as ignorant of it as he (Mr. Hume) was himself. In like manner, with regard to the first Burmese war, the Indian Government had been obliged to pay 13,000,000*l.* for its expenses, without having before them a single despatch. He agreed with the hon. Baronet in thinking that this war might have been avoided. Commodore Lambert had sent on shore an officer to obtain an interview with the Governor of the fort at Rangoon, who, probably thinking that the affair ought to have been arranged in an interview between the Commodore and himself, deemed himself improperly treated, and redress was, in consequence, refused, which led to the seizure of the Burmese ship. What should we think if the French or Americans sent an Ambassador here, whom we refused to receive on the ground of his credentials being informal, and proceeded, in consequence, to seize British ships in their own waters and towing her away. In speaking of Lord Dalhousie, he had every reason to believe that he had a difficult duty to perform, and was as anxious to avoid war as any person; but by the course that had been adopted, the Government of Ava was called upon to deal with a man who had taken and kept one of their ships. But though the King of Ava had to send a message to a man who had, as he thought, violated the law, the most complimentary mode of sending it was adopted by him, as indicated by the number of attendants, that being the mode resorted to by the native princes of evincing their desire to pay a compliment. As far as his (Mr. Hume's) impression went, Commodore Lambert was the cause of the war, though he perceived that he had already received a pension of 150*l.* a year for good services on the Irrawaddy. He hoped that these events would lead to the adoption of a different course with regard to the Government of India. He differed from many persons who thought that the Court of Directors might be dispensed with. He thought they could exercise most useful powers in examining the details of the revenue and of the Army, and to enable them to do so effectively they should be made acquainted with the facts. He had a strong opinion that there were men in the Court of Directors whose local experience and constant attention and devotion to the affairs of India would make them an able council for any Government to carry on the affairs of India. He wished to see a Minister for India in that House, instead of having a Board that never sat, and Commissioners that never acted. All that was a perfect mockery, and an insult to common sense; but he hoped the result of the inquiry now going on would lead to a better state of things.

SIR JAMES HOGG said, he thought it would have been much better to have withheld this discussion till all the papers on the subject of Ava had been laid on the table, especially as his right hon. Friend the President of the Board of Control had intimated to the hon. Gentleman who moved for the production of the papers that they would be produced at the earliest possible opportunity. Some reference had been made to the constitution of the Court of Directors; but at present the discussion seemed chiefly to relate to the origin of the Burmese war. Now, whatever observations he might make upon this point, he must declare that the last thing he expected to have heard in that House more particularly was any question as to the justice of that war. It might have been expected that various commentaries would be made on the manner of carrying on the war; but to hear the origin and justice of that war questioned by hon. Members who had had an opportunity of reading the papers already on the table of the House, excited his astonishment. It had been said, and said truly, that the propriety of this war and of the operations, so far as they had proceeded, had been sanctioned by three Governments — by the Government of the noble Lord the Member for the City of London, by the late Government, presided over by the Earl of Derby, and by the present Administration. But there was an authority which had been referred to on this question greater still than any one of these, and that was the authority of the illustrious man who was now no more. In another place the Earl of Derby had in a recent discussion produced and read a memorandum proceeding from the illustrious Duke of Wellington on this very subject; and it was a document which seemed to answer, in anticipation, what had been said there as well as in another place. The noble Duke, with all the necessary papers before him, and only three weeks before his lamented death, said: "It appears to me that the war could not be averted— that the operations fixed upon were judicious, and have been ably carried into execution with great gallantry by the officers and troops." After testimony such as that, not only to the plan of operations and the success that had attended them, but to the necessity of the war, it would be useless for him to occupy their time longer upon that subject. But his hon. Friend (Sir H. Willoughby) talked of the sum of 1,000*l.* which had been demanded, and seemed to speak of it as an isolated fact that had caused the war. Now, he must br aware that the events connected with these latter transactions were but events crowning a long series of insults cast upon the dignity of the Government of India, and most injurious to the persons and property of British subjects in India; that they were, in fact, but the climax and crisis of a policy that had been going on for a period of ten or fifteen years. Did he not know that by treaty the Burmese Government allowed an Ambassador from the Government of India to reside at the Court of Ava, and that Ambassador (Colonel Burney) was forced to retire from the Court, having been treated with the utmost contempt? Was he not also aware that when Colonel Benson was sent to Ava, he was treated much worse? The outrages and indignities heaped upon him exceeded belief; his life was in danger, and he was obliged to retire. Did he not know of the injuries also committed at various times upon British merchants, and of the refusals continually persisted in to give reparation? As to the course taken by Lord Dalhousie, his great effort had all along been to avoid extremities; and, when driven into unavoidable hostilities, his declaration throughout was, that he desired nothing more than to obtain compensation for the past, and security for the future—that the expedition should be conducted with the least possible risk as to life, and without the least anxiety for an extension of our territory, which he, as everybody else, regarded as a great calamity. Accordingly, he thought that by striking a decisive blow, and taking possession of Rangoon, he would compel the Burmese Government to come to a settlement, make an apology, and thus bring the war to an end. The demand which he then made for money was so trifling that the public press of India made it matter of comment; but his demand not being conceded, he by degrees increased it, though still to a moderate degree. When charges were brought against Commodore Lambert such as had been made that night, he felt bound to say, that so far from Commodore Lambert being desirous of war, he wrote to the Governor General to say that he had every reason to believe he would be able to bring the matter to an amicable conclusion. The hon. Member for Montrose (Mr. Hume) had spoken of the usages of the Burmese as an apology for the manner in which they had treated Commodore Lambert. But the fact was, that a deputation was sent to him composed of such inferior officers that the only object could have been to insult him. He, nevertheles, received them with courtesy, and sent, in return, a deputation headed by the second in command. And what was their treatment? They were kept waiting for a length of time in the sun, and at length were told they might go into the shed and wait there, for the Governor was asleep. Now, they could afford to do much and lose much, but in India they could not afford to submit to the slightest indignity or insult, if they meant to retain their power and authority in that country. After the war was commenced, even when matters had gone to an extremity, all that was asked was the expenses of the war and the compensation that was requisite; but when these demands, repeated from time to time, were refused, the conclusion was arrived at that it was absolutely necessary—not to make the conquest of a mighty empire, for that was never thought of by Lord Dalhousie—but to look to the military possession of Pegu, and to take by force that compensation for the past and that security for the future which could not be obtained by treaty or conciliation. But, in point of fact, this possession of Pegu, instead of being an extension, was rather a consolidation of our Empire. In another place some animadversions had been made by one whose opinion must always command respect, upon Lord Dalhousie and the military operations that had taken place; and being in a position to meet these animadversions, he (Sir J. Hogg) felt it his duty to do so, seeing the opportunity had arisen. It had been said that nothing was so preposterous as to take possession of Rangoon without having an abundance of animals and carriages for the purposes of transport. Now, for the purpose of Lord Dalhousie's occupation of Rangoon, what was necessary? It was necessary to have the power of transporting the carriages for the military force that was moving from Martaban to Rangoon, which was to the eastward of Prome; and the question came to be, was that force without the means of transport? Lord Dalhousie, with that energy, and, he would add, with that judgment and sagacity which characterised him, was personally present, and gave orders that the force should be provided with the necessary amount of animals and carriages. Orders were given to assemble elephants, bullocks, and all that was requisite for the march, and these orders were admirably carried out by Colonel Ogle. Another order was given that 150 elephants should be collected from the Government establishments, and sent to Arracan. It had been said these elephants were utterly useless, because the Aeng Pass over the Arracan mountains was occupied by Burmese forces that could not be displaced. Now, it never was contemplated to send the elephants by the Aeng Pass. The pass through which the elephants were to be taken was within a few miles of Prome, where the forces were; whereas, if the elephants could have passed through the Aeng Pass, they would have descended to the valley of the Irrawaddy, ninety miles to the north of Prome, and would have been utterly useless if they had not been accompanied by an army. He begged to say, that animadversions like these, unless they were merited—unless they were supported by documents that no one could arraign or deny—were most mischievous in their character, and tended to paralyse and destroy the efforts of those engaged in important enterprises. With reference to the cost of this war, the utmost exaggeration had been employed. When the first expedition went for the seizure of Rangoon, the cost incurred was stated in the Indian papers to be 240,000*l*. But how much, in reality, did the House think this first expedition cost? The financial secretary told him, in a letter which he had received, that the whole expense was 30,000*l*. A statement had been made elsewhere that the expense of the operations in which we were now engaged could not be less than 130,000*l*. —probably 150,000*l*.—a month. Now, a copy of the sketch estimates for 1852–53 had been received, and the whole of the war expenditure from the 30th of April, 1852, to the 31st of May, 1853, was put down at 50 lacs, or 500,000*l*., being about 40,000*l*. a month. Reference had also been made to the unhealthy condition of the troops; and this had been attributed to the want of clothing and covering, and proper medical attendance. Now, he was able to say that the wants of the troops in these respects had been provided for most successfully. Before the war broke out, the preparation of skeleton houses, and every requisite accommodation for 6,000 or 7,000 men, had been ordered, and they were conveyed in steamers to the places were they were required. According to the medical returns, it appeared that the health of the troops at Rangoon, during the rain, was as good, on the average, as the health of the troops at the same time in the plains of Bengal. Every precaution in the matter that man could take had been taken, though economically, yet effectually, by Lord Dalhousie. There was one serious consideration that embarrassed Lord Dalhousie, and might have embarrassed that distinguished officer, General Godwin, and that was the fear of compromising the inhabitants of the district of Pegu. During the last war it was rumoured that Pegu would be retained; but the result was, that it was restored to Burmah, and the retaliation taken on those inhabitants who were supposed to be friendly to British power was something so terrific that he should not like to describe it. Therefore, both General Godwin and Lord Dalhousie were apprehensive of giving any intimation that the Peguans had sided with the British against the Burmese, until they were sure that the annexation would be sanctioned, and the troops would not be ordered to withdraw from Pegu. Scarcely had the proclamation been issued, when offers were received from two of the leading chiefs, offering to put down the dacoits and plunderers, and a thousand muskets having been supplied to them, great confidence was thereby given to the natives. By Lord Dalhousie's personal superintendence in that province, he had established order sooner than it had been established in any province that had previously been annexed to the British Empire. He was happy to say that at the regular period for the termination of the Governor Generalship of the Marquess of Dalhousie, India would not be deprived of the services of that excellent administrator. The Court of Directors had, with the remission of the Government, preferred a request to the Marquess of Dalhousie, founded solely on public grounds, that he would not look to the usual period of five years as the termination of his Government. That noble Lord, though having strong private reasons to induce him to return to this country, nevertheless acceded to the request made him, and India would continue to benefit from the noble Marquess's able administration.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Question again proposed—

ARMY BREAD.

SIR WILLIAM JOLLIFFE said, he now would beg, pursuant to notice, to call the attention of the House to the quality of the bread that was supplied to Her Majesty's forces in Great Britain, under the existing contracts. In the union workhouses, in the county gaols, and in their convict establishments, the most unexceptionable quality of bread was supplied, and when it was found that the bread supplied to the troops was not of a good quality, it was natural that it should excite discontent amongst them. Representations had been made at various periods with regard to this evil; and the mode in which it was attempted to be redressed was felt to be ten times more mischievous than the evil itself. Permission had been most unwisely given that the troops should pay the difference to the contractor, to be furnished with a better description of bread than he was bound by the contract to furnish. In his opinion that led to serious evils, and tended to make the contractor furnish a worse description of bread than he would otherwise have been able to do, even under the contract. It might have the effect of inducing him to take the contract at an extremely low rate, by which he might be a loser, hoping to be able to pay himself by what he might receive in addition from the soldiers. The household troops were differently supplied. They were allowed through their colonel to make monthly contracts for their bread. The consequence was, that the burden which had fallen on the line, was totally avoided by the household troops, and no charge was made to them for receiving sufficiently good bread. He thought it was not too much to expect that a wholesome kind of household bread should constantly be in use among all classes of troops in the service. In the event of a bad harvest, which would, of course, considerably increase the price of bread, the most serious inconvenience might ensue to the service. It was on these grounds that he had felt it his duty to bring these subjects under the consideration of the Government; and he could now only beg that the right hon. Gentleman the Secretary at War would give the matter his serious consideration.

Mr. SIDNEY HERBERT said, the subject of the mode of supplying the soldiers with bread came before a Committee on the Army and Ordnance department, which sat two or three years ago; and in consequence of the recommendations of that Committee, which were drawn up by Lord Hardinge, Sir Willoughby Gordon, and Sir Randolph Routh, it was decided that for the future the quality of the bread which was called "seconds" should be used among the soldiers. It was further decided, on the evidence given before that Committee, that, upon the whole, what was called the regimental system of contract appeared to give the most satisfaction to the troops. The system in Ireland was by means of the commissariat, in England by the ordnance contract system, and in the Guards the system of regimental contracts were in practice. The commissariat was the most expensive; and the regimental that which gave most satisfaction to the men individually; but there was this disadvantage in it, that in case of disturbance or war that system of contract would break down; for they would then require an organisation for which they had no preparation. There was also this difficulty: where a whole regiment was together in one place, the contract would be made very cheap; but where companies of the regiment were stationed in different countries, they were supplied with bread at a very exorbitant rate It was not, perhaps, just to describe the bread in use among the troops as bad, seeing that the same kind of bread was frequently used by the aristocratic classes on account of its exceedingly wholesome and nutritious quality, and generally by the labouring and all other classes who were accustomed to use bread as a principal article of food.

Main Question put, and *agreed to.*

ARMY ESTIMATES.

House in Committee; Mr. Wilson Patten in the Chair.

(1.) "That a number of Land Forces, not exceeding 102,283 Men (exclusive of the Men employed in the Territorial Possessions of the East India Company), Commissioned and Non-Commissioned Officers included, be maintained for the Service of the United Kingdom of Great Britain and Ireland), from the 1st day of April, 1853, to the 31st day of March, 1854, inclusive."

Mr. SIDNEY HERBERT said, that in moving the Estimates for the Army for the ensuing year, he should perhaps best consult the convenience of the House by abstaining from going into any lengthened statement with respect to the number of men required for the service of the year. On the first night of the Session his noble Friend (Lord John Russell) stated that it was the intention of the Government to take no vote for any increase of the number of men in the Army, Navy, or Ordnance over the number proposed by the late Government; and, as that announcement appeared to be received with general acquiescence and satisfaction on the part of the House, he thought he should be uselessly taking up the time of the Committee were he to enter into those reasons which induced the Government to maintain the number as it now stood. When he said there was no change in the number of men, of course he did not mean that positively there would be no alteration in the numbers, because, in fact, there was a slight increase, resulting from the return of a regiment of cavalry from India, which now augmented the aggregate number proposed to be maintained by between 200 and 300, and which affected the estimate by a charge, in connexion with some few other items, of 17,000*l.* He would now shortly state what were the heads of difference in the several votes before he proceeded to draw the attention of the Committee to some points which he thought worthy of their consideration. The changes in the first vote arose principally from the augmentations occasioned by the return of troops from India, to which he had previously adverted. Upon the staff there would be found an alteration resulting from reductions which the vigilance of the War Office was always endeavouring to effect, and also from the manner of placing on the Estimates certain charges. The hon. Gentleman the Member for Montrose (Mr. Hume) would recollect that in 1834 and 1835 there was a recommendation from the Committee of the Army and Navy Departments that for the future all governors of sinecure garrisons should be abolished, and that the proceeds of them should be devoted to the forming of a fund which should be distributed as rewards for distinguished services to officers who had been recommended for such rewards in consideration of their long services, and that that should continue augmenting till the whole sum reached the amount of 18,000*l.* The transfer of the vote for the Tower to the estimate he had mentioned, completed that sum of 18,000*l.*, and for the future the proceeds of that department would be distributed in the shape of rewards for distinguished services among deserving officers. In the meantime it would be necessary to place on the staff a small effective force, which should perform the duties of the garrison. The reductions under the head of the foreign staff were effected by the diminution in the troops in Africa, Bermuda, Australia, Canada, and, generally speaking, in all the British colonies. The vote for the public departments would be found almost in the same state as it was last year; but under the head of postage there was an increase of 5,900*l.*, which, he feared, was an indication of a large increase of business, arising partly from arrangements with respect to the militia, and calculated, he apprehended, to augment in a future year the charge for the War Office, which in the present estimates exhibited a decrease. Under the head of the Royal Military College there was a slight decrease, and under that of the Royal Military Asylum some small augmentation, arising from an increase of the staff for the training schools, and one or two items of that description. There was one point in connexion with this vote to which he wished to call the attention of the Committee. It would be recollected that there was some complaint, that when the good-conduct pay was first established by Lord Howick, sergeants were excluded from all participation in those rewards. He confessed that, in his opinion, they had no title to that augmentation. Good-conduct pay was a commutation for additional pay for length of service, which the privates had previously enjoyed, but which the non-commissioned officers had never had. Clearly, therefore, they could have no right to a payment given in exchange for advantages which they had never possessed. When, however, the second change took place in the good-conduct pay, the advantages to the men were increased over what was first contemplated. Then the sergeants had some claim; and he would say that there was no body of men to whom the army owed so much for the formation of its regiments and the maintenance of discipline as to its non-commissioned officers, and that no army possessed such effective non-commissioned officers as ours. He proposed, therefore, to increase by 2,000*l.* a year the sum for distribution in good-conduct rewards to non-commissioned officers; but that increase was not to be made all at once; for if all the grants were made in one year, there would be a stagnation for many years to come for want of vacancies; the grant, therefore, was to be increased annually 250*l.* until the increase was 2,000*l.* As to the vote for half-pay, for general officers' widows, and foreign officers, there was this year, as there had been for some years past, a very considerable reduction, though it was not so large as usual; but, although there was that diminution in the half-pay, there was an increase on the out-pension of Chelsea of 8,997*l.* It was the first increase of that charge that had taken place for several years; but he trusted, however, that that would be the last of the kind. These were the principal heads of difference between the Estimates of the present and of last year. His right hon. Friend the First

Lord of the Admiralty pointed out the other night, in moving the Navy Estimates, how great had been the diminution in the charge for the necessary force, while we were able to maintain as large an efficient force in number. That was not peculiar to the Navy. In the Army, he thought, he could show that that had been carried to as great an extent. It must be recollected that the War Office had been occupied for a long succession of years by some of the most sagacious administrators this country had produced—Lord Palmerston, Sir Henry Parnell, Lord Howick, Mr. Ellice, Sir John Hobhouse, Lord Hardinge, and Lord Panmure. These were men who had devoted great care and attention to all the details of the department over which they presided, and they had especially met with great success in the efforts they made, first, in increasing the comfort and well-being of the soldier; and, secondly, in reducing the expenditure of that department. In 1835, which was always taken as the pattern year of economy, the whole estimate was 5,907,782*l.*; this year it was 6,025,016*l.* There was an apparent increase in the latter estimate over the former of 117,234*l.*; but in order to institute a fair comparison with the year 1835, they ought to deduct from the latter sum all those items which, since 1835, had been added to the Estimates by the recommendations of Commissions, or of the military authorities, or of the Secretary at War. The additional items put in the Estimates since 1835 amounted to 250,000*l.*; and, if that were deducted, it would show a reduction of 132,766*l.* as compared with the Estimate of 1835; but then for this smaller sum we maintained 21,000 men more than in 1835. That was a most signal proof of vigilance in the administration of this department—that in eighteen years the expenditure should be reduced, and yet for the lesser expenditure 21,000 men more should be maintained. It might be said he was taking items of expenditure which it was impossible to avoid, and which were necessary for the efficiency of the Army; but he could assure the Committee that the increase had been, to a great extent, on the non-effective part of the Estimate. For instance, they had to take away the charge for postage, which was a fictitious sum, as it was only paid to another department, but it swelled the Estimate 35,000*l.* Then there was an addition for black and foreign pensioners of 12,000. The organisation of the enrolled pensioners cost about 45,000*l.* The poundage for the Chelsea pensioners, which amounted to 50,000*l.*, was given up by Lord Panmure, and, taking out these large items, and leaving the additional items for schools, the new system of prisons, the barrack libraries, and other things intended for the benefit and welfare of the soldiers, they would come to the same result—that in 1853 we were maintaining 21,000 men more than in 1835 for a less sum than was spent then. He thought he could show that that had not been done entirely by the reduction of half-pay. The cost of each man in 1835 was 42*l.* 15*s.* 11*d.*; in the present year it was only 40*l.* 3*s.* 6*d.* That included the cost of the officers; exclusive of officers, the cost of each man was little more than 30*l.* So that the cost of each private, including the cost of the officers commanding him, and clothing and producing him in the field, had been reduced 2*l.* 12*s.* 5*d.* since 1835. And that had been effected without in any way curtailing the comforts of the men. He did not believe that at any period had the soldier been more comfortable than at the present moment. His hon. Friend behind him (Mr. Rich) had said that evening that the service was not popular. He very much doubted that. Whether it was that the short service was beginning to tell, or the increased comforts, or the diminished punishments, he did not know, but it was certain that recruiting was never more easy, and never produced a better class of recruits than at the present time, though 50,000 men were being raised simultaneously for the militia. Since 1835, too, the stoppage for rations abroad had been lowered. The soldier had complained, and justly, that on some stations, where provisions were notoriously cheap, he was charged a very high rate; but the principle was sound, for in other places the provisions were just as dear. The stoppage, however, was pitched too high, and a lower rate had therefore been substituted, which was universal throughout our colonies. That had given satisfaction to the men, and was not, he believed, except comparatively with the previous system, any loss to the public. The good-conduct pay had been increased—the whole increase, as it now stood, was 65,000*l.* a year. Barrack libraries had also been established, and they were most useful. The first was established in 1840.

There were now 150 libraries, with 16,000 subscribers, and consisting of 117,000 volumes. By a late arrangement officers were permitted to subscribe, and had the use of the libraries, but, as it was clear their sharing in them might deter the men from subscribing, a restriction was put upon them to prevent the clashing of any interests in that respect, and leave the men perfect access to their own libraries. The men paid one penny a month; the officers one day's pay every quarter, and both they and the soldiers were able to borrow the books to read in their own quarters, but not so as to interfere with their duties. Regimental schools were established in 1846, and he must here say he owed a debt of gratitude to his noble Friend Lord Panmure for the manner in which he had carried out the plan. It originated with himself (Mr. S. Herbert) before he left office; but every one who knew anything of administration knew how much easier it was to draw out a plan upon paper than to carry it into practice. At first the plan met with a great deal of prejudice and objection; but, by a steady perseverance, all the difficulties had been removed, and he was happy to say that, so far from objecting to them, there was now a great anxiety among commanding officers to secure properly-trained schoolmasters for their schools. The general establishment had been made in this way: There was a large school for the orphans of soldiers. It was conducted entirely by commissioned and non-commissioned officers; but it was considerably behind the standard of all schools of that class, and had therefore been put upon an entirely new footing. A training school for masters was grafted upon that, and the persons who came there to train schoolmasters were practised in teaching. He would now read a short statement upon the result of that system:—

> "There are now employed with different corps fifty-eight masters, and two on sick leave, and sixteen assistant-masters. They teach both the children and the non-commissioned officers and privates; and all the reports, as well from commanding officers as from the Inspector General, describe their labours as very beneficial. Indeed, wherever the commanding officer gives his countenance to the arrangement, the men attend school in such numbers as test the physical as well as the intellectual powers of the masters severely. In the 77th Regiment, for example, now quartered at Weedon, the school roll shows an attendance of not fewer than 538 adults. The 35th Regiment sends 371 to school, the 82nd Regiment, 270. Indeed, the lowest attendance in the infantry, that of the 59th depot, does not fall short of 51. It is worthy of remark, that except in the case of recruits, all this attendance is voluntary; and it is all paid for. The recruits are required by regulation to attend till dismissed drill. For a time they not unfrequently lay aside school with drill; but in almost every instance those who have made even moderate progress come back after an interval of a few months."

The attendance of the recruits, so long as their drilling lasted, was the only compulsory attendance. After that time it was voluntary—all contributed—and he thought it was a very gratifying testimony to the taste among the men for acquiring knowlege that would better fit them for the duties they had to discharge. He had great confidence in the present system, and thought it had contributed, among other circumstances, to that increased good conduct which was so remarkable among all ranks of the Army. As another proof of the increasing comfort and well-being of the men, he would just allude to the return of the deposits in the savings banks. They were established in 1844. There were then 1,890 depositors, and the amount deposited was 14,849*l.* In 1852 the number of depositors was 9,447; the amount deposited was 111,920*l.* There was also a great diminution of punishments in the Army simultaneous with this. In 1838 the number of corporal punishments was 879. Of course the strength of the Army at different periods would influence the value of the returns; but since that year there had been a diminution. In 1843 the number was 620; in 1846, 461; in 1849, 311; in 1850, 247; in 1851, 206; in 1852 the return was only for the troops at home, and half the force on foreign stations; but the number of corporal punishments had diminished to 96. It was not because there was a greater laxity of discipline that that change had occurred; but there were other modes of punishment—such, for example, as military prisons—and, of course, there had been a great increase in the number of those punishments; but the question was, had there been an increase in the number of offences and of persons tried by courts-martial? In 1838 the number of persons tried, in proportion to the effective force, was 1 in 11½. Now it was only 1 in 16. The number of persons admitted to the military prisons in 1850 was 3,565, in 1851 it was 3,266, and last year it was 3,313, being a slight increase over the preceding year, but not greater than the increase of the effective strength of the Army. He believed that the system of military prisons had answered extremely well. It was conducted upon a principle which had been occasionally questioned in that House, and was sometimes extremely severe; but it must be recollected that the object they had in the imprisonment of a soldier was different from that which they had in the imprisonment of a civilian, for every day the punishment was protracted they were giving punishment to the well-behaved comrade of the prisoner. The diet, therefore, during imprisonment, was low, and the labour exacted severe; but it was found that the health of the men did not suffer. There was but one other point upon this subject with respect to the well-being of the Army in general, to which he would call the attention of the Committee, and that was the health of the Army. He believed it was at no former period so healthy as that moment. Some years ago there was a most fearful mortality from the peculiar stations in which some of the barracks were placed. Lord Howick devoted great attention to the remedy of that evil, and with great success; and the result was that the return up to last March, being the last return made, showed that the health of the Army was better at that time than it had ever been before. Taking Gibraltar, Malta, and the Ionian Islands, being the whole of the Mediterranean force, the mortality for the year ending the 31st of March, 1852, was 12 7-10ths in 1,000; the average for the thirty years previously to 1846 being 19 1-10th. In the American colonies, which were always very favourable, the proportion was 14 in 1,000; the average for the thirty years previously to 1846 was 15. For St. Helena, New South Wales, Van Diemen's Land, and New Zealand, he found the average was 19 1-10th in 1,000; but as to the Cape of Good Hope the average was disturbed by the mortality arising during the operations of the Kafir war. The return for the Cape of Good Hope, however, exclusive of the war, was 24 in 1,000; but that he understood was not very high—it was much less than for the French Army in Algeria. The average of New Zealand was 12 in 1,000; of New South Wales and Van Diemen's land 9 1-10th, and of St. Helena 6 two-tenths. For the West Indies, up to March last, exclusive of Jamaica, the mortality was 22 1-10th in 1,000; for Jamaica it was 44. Since that time the yellow fever had broken out in Barbadoes, and there was this singular circumstance in the last attack of this disease, that it had come in a manner quite different from that in which it usually came: it did not originate in the island, and it had had much more effect among the civilians than among the Army; and again it had been much more fatal among the officers than among the men, contrary to what was usually the case. But upon the whole the mortality had not been so high as 6 per cent, and he did not know of any other instance in which the mortality had been so small. Measures had been taken immediately on the outbreak of the fever, and the medical officers had adopted all means in their power, both as to the construction of the barracks and as to drainage, to remove the causes that might be thought to have had such an effect. As to the West Indies generally, exclusive of Barbadoes, there had been far less mortality than in any year before. At the Mauritius and Ceylon the mortality had diminished from 43 6-10ths, the average of the past thirty years, to 22⅓ per 1,000. It was in the East Indies and Hongkong that the chief loss of the British troops was usually to be found; but even there the past year presented highly favourable results, the mortality in the three presidencies having fallen from 74 3-18ths, the average of the past thirty-five years, to 48 5-10ths, per 1,000; and that at Hongkong, usually the most unhealthy of our stations, from 150 per 1,000 to 69. Arrangements, he might add, with reference to Honkong, were in progress for keeping a portion of the troops on shipboard in the harbour during periods of sickness—a measure which had always been attended with the best possible effect, when facilities could be obtained for their accommodation. Accounts had, indeed, been received by him from India just before he came down to the House, which showed that the proportion of mortality there among the troops was still more favourable than he had just stated, the rate in Bengal being only 2 per cent. The same accounts fully confirmed the statement which had been made that evening by the hon. Member for Honiton (Sir J. Hogg) as to the healthy condition of our army at Rangoon; for it appeared that the mortality among those troops at the latest moment was under 4 per cent. This improvement in the health of our troops was, in great degree, the result of improvements in their medical treatment; but it was also largely attributable to the improvement in the habits of the men themselves—to the diminution—very great, though still susceptible of extension—of drunkenness, which had hitherto so widely undermined the constitutions of our soldiers, especially in tropical climates. Having thus recapitulated the various measures which had been adopted of late years by the Government for improving our soldiers, he would proceed to state that the next great object of attention was to make our Army as efficient as possible for the service of the field. There was no doubt that hitherto we had been far too remiss in this very essential matter; that we had been in the habit of using our Army far too much as a police force in aid of the civil magistrates, spreading it for this purpose in separate detachments all over the country, so that the men had had no opportunities for field practice, or scarcely a chance of seeing two regiments brigaded together, with a view to the acquisition of a knowledge of manœuvres on anything like a large scale. In Ireland alone there were as many as 200 stations, occupied by about 20,000 troops, and in England and the Colonies the same thing to a great extent occurred. He had, however, a confident hope that he should be able before long to effect such a concentration of our troops in this country as would remedy this great defect, and render our Army thoroughly effective for any contingency. There was a great difference between the Army and the Navy in one important respect, namely, that the Navy was so nearly in the same condition of preparation in peace as in war, that the occurrence of war required little more than the shotting of guns, and so on, to place it in a state of readiness; whereas the Army, in peace, is placed in circumstances quite different from those which constitute the conditions of war, and as the matter stood at present, was distributed about, here and there and everywhere, in small detachments, without any opportunities of exercising in masses. This very great defect he proposed to remedy. A very small sum would suffice to provide a station where there could be ball practice with the Minié rifle; non-commissioned officers, and a certain proportion of men from each regiment, would there be enabled to acquire the practice of rifle firing at various distances, and, with this practice thoroughly attained, would then return to their respective regiments, and communicate that scientific practice to their comrades; the whole Army would thus by degrees be brought into one system of effective firing. In the summer it was proposed to form an encampment somewhere in the country, whither various regiments would proceed for the purposes of that instruction in which, as he had said, our troops were at present so very deficient. From this measure he anticipated a large amount of advantage, and, he might add, it would not give the less satisfaction to the country that it would be attended with very slight additional expense; the movement of troops to the encampment involving, in point of fact, no more outlay than the ordinary change of troops from one station to another. The increased wear and tear, and the additional allowances to officers and men, the main sources of greater outlay, would bear no proportion whatever to the public benefit of the result. As to arms, Lord Hardinge had for some time past been taking the greatest pains to procure the most effective weapons that science could invent; he had sent to America, and to various parts of the Continent, for the most approved specimens of arms, and he had applied all the knowledge, experience, and science at his disposal to test their various merits, and ascertain their defects. As the result of this investigation, Lord Hardinge had now full confidence that he should be shortly able to place in the hands of our soldiers a weapon lighter, and equally efficient, in every respect, with the Minié rifle. By these various means the Government had every expectation that they should, ere long, place our Army in the highest possible state of efficiency. Our standing Army was now, as it had always been, comparatively small in numbers; but there was no reason why it should not be so armed, so provided, so trained, as to become even beyond what it was now, perfect in its efficiency. The United States, for instance, kept a small standing Army, but the arm selected for that Army were those which required the highest amount of training, and the greatest time for preparation, in order to be used with efficiency, namely, the artillery force. We had the finest possible materials at our disposal in every respect; and it should be no fault of the Government if those materials were not applied to the best purpose, considering, as they did, that an

Army for which the people contributed so largely should be placed in the most thorough—in a perfect state of efficiency. So long as he had the honour to hold his present office, he would apply his most vigilant attention to the expenditure within his department, so that it might produce the greatest possible amount of advantage to the country; and so that the least amount possible should be wasted in that dead weight which had been found so materially to interfere with the completeness and vigour of the active force. By the course he had thus outlined to the Committee, he fully believed that the British Army would be before long rendered more thoroughly efficient than it had ever been. Trusting that the Committee would excuse the extent of details into which his explanation had led him, and that no difficulty would be interposed in the way of the proposition he was about to place in the hands of the Chairman, he begged leave to propose to the Committee the first Vote.

Mr. HUME said, he heard the general statement of the right hon. Gentleman with great satisfaction. No man had ever manifested more anxiety than the right hon. Gentleman had that the character of our troops for discipline and good conduct should stand high, and he considered that the various improvements in the management of the Army stated by his right hon. Friend would eminently conduce to this great object. He was especially rejoiced to learn that there was such a marked diminution in the number of corporal punishments inflicted. He considered that Lord Panmure had introduced many excellent regulations into the force. The good-conduct pay was a great advantage. He hoped that, in addition to the barrack libraries, the officers of the various regiments would be instructed to provide the men with various rational recreations to occupy their leisure hours; and he conceived, further, that much good might be done by enabling the soldiers, as well as the rest of the community, to have readier and larger access to our various literary, scientific, and artistic establishments. He should be glad to hear from his right hon. Friend, in connexion with his gratifying statement as to the diminution of drunkenness in the Army, what had been the result of the recent alteration in the canteen system; and also, whether steps were being taken to improve the present still very unsatisfactory condition of the barracks. At the Plymouth barracks, which he visited about three years ago, and where about 3,000 men were generally located, there was a great want of accommodation; the men had to wash in open sheds, and there was no attention to the comforts and decency of married men. Moral improvements and good discipline ought to go together, and then the lash would be needless. He entirely concurred with the right hon. Gentleman as to the inexpediency and impolicy of employing our soldiers as police; and he trusted that the noble Secretary for the Home Department would take care that every county provided itself, as it ought to do under the Police Act, with the full police force required for the aid of the civil magistrate within its limits. In many of the counties where police were more needed than in others, they had none at all; the magistrates relying on the military. This was unfair, as throwing an expense which ought to fall on those districts on the country at large. He had supported the establishment of the police in the metropolis, and he believed that the poor benefited more by their services than the rich. If the police establishment was to be maintained, let it be made effective, by being extended to all parts of the country. Magistrates must be taught to depend more than they had hitherto done on the civil force. He was glad to hear that, although we had now 21,000 men more than in 1835, it was at no increase of cost; but he still considered the number of men proposed altogether beyond the necessity of the case. It was quite lamentable that the paroxysm of utterly absurd fear that had come over us should induce us to sanction the maintenance of a standing Army larger by 20,000 men than the Duke of Wellington considered sufficient for our defence. He had frequently urged a reduction of the Army; but there were such extraordinary changes in the public feeling that it was difficult to effect any alteration. There was just now a paroxysm of alarm, which he considered was wholly unfounded. But this increase in the number of men necessitated an increase of expense in other directions. While the Army had been increased one-fourth, the Navy and artillery had been doubled; and the aggregate of the Estimates now amounted to 17,000,000*l.* or 18,000,000*l.* He was confident there was no necessity for this large increase; but he yet thought it better to be over-prepared than to be deficient in that respect. His plan would be to bring in the vessels of war from the Pacific and the African and American coasts. There were far more ships than were needed in South America. He objected to having such an enormous body of men in arms, taken from their industrial occupations. For the purpose of defence it would be far better to enrol volunteers, who were actuated by a national feeling. A thousand of such would be worth three thousand militiamen, taken from the lowest ranks, and paid at the rate of a shilling a day. The burden of these increased Estimates would fall on the landed interest; for, with the existing facilities for emigration, the working classes would not stay at home to be taxed so heavily. Let the country gentlemen consider this, and reflect what their situation would be should emigration proceed to a much greater extent. The land could not run away. With the existing large military establishments in every country of Europe, the vitals of the Continent were almost eaten up. Nothing could be more expedient in such circumstances than the scheme proposed by his hon. Friend near him (Mr. Cobden), and for which he had been so much ridiculed—that of a friendly communication between the different Governments with a view to disarmament. But his hon. Friend had not the credit of originating this proposition, absurd as it was said to be, for the Earl of Aberdeen, in 1846, had advocated the same thing. He said that he should have no confidence for the security of peace until he saw a large reduction in the armies of Europe. Sir Robert Peel had also urged the same view. Lord Aberdeen said that he was disposed to dissent from the maxim which had received a very general assent, that the best security for the continuance of peace was to be prepared for war; that that was a maxim which might have applied to the nations of antiquity, but did not apply to modern nations, when the facilities for preparations were very great; and that with respect to the stability of peace he should have no hope till he saw a great reduction in the military establishments, which ought to be the object of all Governments, but especially of the Government of this country. His hon. Friend (Mr. Cobden) was abused for recommending precisely what Lord Aberdeen in his place had recommended. What was the present state of our military establishments? The regular Army consisted of 155,000 men and officers—the pensioners, the dockyard establishments, and the yeomanry of 42,000—the coast-guard service, the Irish constabulary, and the English police of 31,000, and the enrolled militia of 65,000; making, altogether, 293,000 men who were taken away from the productive industry of the country. By the Act of last year, 40,000 more might be added to these, so as to increase the Army reserves to 120,000. When all the additions which had been allowed had been made to these forces, they would be increased to 358,500 men. With respect to the pay of both officers and men in the Army, he did not think that they were paid too much, but considered that the expenses of the staff might be considerably reduced. A considerable saving might also be effected by the union in one department of the Army and Ordnance. It was calculated that there were in Europe at the present moment 7,000,000 of men capable of bearing arms, and that of these 4,000,000, or more than one-half, were in arms, and paid by the rest. Let the Committee think of the double evil that such a system created—the abstraction of such a number of able-bodied men on the one side, and the abstraction of the fruits of the labour of others to maintain them on the other. He would not, however, oppose the proposition, but he would enter his protest against keeping up these large establishments. He willingly admitted the good government of the Army; he believed that its administration was as well conducted as it was possible for an Army to be; and he could assure the right hon. Gentleman, the Secretary at War, that he fully appreciated the importance of the improvements he proposed, and he would suggest to him the necessity of still further carrying out those arrangements for the reduction of the half-pay list which Lord Hardinge commenced when he was Secretary at War.

Colonel SIBTHORP said, he had listened to the observations with which the hon. Member for Montrose always favoured that House when any question was brought forward relating to the Army or Navy, although he should have hoped, from the assent which the hon. Member appeared to give to the Estimates of the Secretary at War, that the Committee would have been spared from his long and laborious dissertation, which had, after all, ended in smoke. The hon. Gentleman had called attention to the inconvenience of the present barracks, and the inadequacy of proper accommodation for soldiers. He (Colonel Sibthorp) was ready to grant anything to the soldiers which could add to their comfort; but he wondered whether the hon. Gentleman would be prepared to allow the additional expense which would be necessary for carrying out the recommendations he had made. He (Colonel Sibthorp) was a friend to economy, but he would not deny the soldier the comforts he had a right to claim; and, therefore, he was disposed to give any grant that might be necessary for that purpose. The hon Gentleman had talked about interference with the industry of the country. He would tell him what had interfered with the industry of the country. It was that infernal system of free trade that had interfered with the industry of the country. He was not in favour of free trade, and giving a preference to the foreigner over his own countrymen. If the hon. Gentleman talked of interference with native industry, let them keep out the foreigner and the free-trade system, and he went so far as to say—expel every Member out of this House who was in favour of that system. Let the country gentleman alone, and they would take care of those who placed confidence in them, and looked up to them for protection in time of need, and not to the foreigner who robbed them. Remember the Crystal Palace. He never went through the city of London but he heard respectable tradesmen tell him, " We cannot do anything, Sir." " Why?" " The foreigner steps in and sells his articles cheap, but nasty." He knew it from his own experience in some instances. He had offered, and would offer, to the English tradesman double, aye, and treble as much more for the articles he sold, because he felt that the English tradesmen was honest, and he could find him when he wanted him, than he would give to the foreigner for all the trash he brought to this country. He would bring it here, and sell it here, and then he ran away and could not be found after he had cheated you. He caught something from the hon. Gentleman about the Peace Society. He was of opinion that the members of the Peace Society would be the very first, if their mills were in danger, to call out for the military whom they abused, to save them. But they would be found either low in the cellar, or under the bed. They would have no objection to pay the military then, but they would keep out of the way of danger. Peace Society! In his opinion, directly and indirectly, they were encouraging everything that was adverse to peace. They were firebrands and faggots wherever they went, and he would rather see the devil in his house than a member of the Peace Society. He thanked the right hon. Gentleman the Secretary at War for the able manner in which he had brought forward the Estimates. Although he might differ with the right hon. and hon. Gentlemen on the Treasury bench, they would not find an opponent, but a regular supporter, in him of all those measures, whatever might be their politics, which might best contribute to the security, welfare, and dignity of the country.

Vote *agreed to.*

(2.) 3,625,783*l.*, Charge of Land Forces.

Mr. HUME said, he begged to put a question to the right hon. Secretary at War, with regard to the recruiting service. A Committee had been appointed, which had given a report, but there was considerable difference of opinion on the subject. The expense, 90,000*l.*, was very great, and he thought some economical alterations might be effected.

Mr. SIDNEY HERBERT said, there had been two Committees appointed since the one referred to by the hon. Gentleman. Lord Panmure had, after much consideration, decided against a suggestion made to one of the Committees, with regard to the employment of pensioners in the recruiting service. From the evidence he had received, he was inclined to be of the same opinion, because, if men belonged to no particular regiment, the recruits they enlisted would not be as efficient as they were when each regiment recruited for itself.

Vote *agreed to.*

(3.) 162,897*l.* General Staff Officers.

Sir De LACY EVANS said, he wished to draw attention to the expediency and economy of the institution of a lectureship or professorship of military surgery in the King's College, or in one of the medical schools in London; and a similar establishment in the University or at the College of Surgeons in Dublin; and to suggest the removal to the metropolis of the Museum of Preparations of Diseases of Foreign Climates now in Fort Pitt, Chatham, where it was comparatively useless and inaccessible to medical students for the Army and Navy. The expense attending the establishment of the lectureships to which he referred would be extremely small, and favourable opinions had been expressed by high authorities as to their probable effect. For the want of adequate instruction to medical officers, the nation had wasted large sums of money, and many lives had been lost. Much also remained to be done with regard to the improvement of the sanitary condition of barracks.

Mr. SIDNEY HERBERT said, it was quite true that there was no professorship of military surgery either at Dublin or London, and that such an institution existed only at Edinburgh. He was not, however, aware by what funds that professorship was endowed, for it did not stand upon the Estimates at all. Recognising the importance of the proposition made, he was not prepared to state how far the proposal which the hon. and gallant Officer had made could be carried out with economy, and at the same time with due regard to efficiency. The removal of the Museum from Fort Pitt would certainly render it accessible to a larger number of persons, and he did not say that such a removal was impossible, but at present he could not state whether any place could be obtained in London for the purpose of that museum. With regard to the institution of professorships he would make inquiry, and until he had done so he should be unable to answer the question. With regard to barracks, as soon as the pressure of works now in progress was at an end, he hoped to be able to effect some improvements in the old barracks.

Vote *agreed to.*

(4.) 98,464*l.* Public Departments.

Mr. HUME said, he wished to know on what precedent the Commander-in-Chief was to receive the allowance of 3,458*l.* which appeared on the Votes?

Mr. SIDNEY HERBERT said, that allowance was in lieu of a larger sum which it had been usual to pay his predecessor.

Mr. HUME thought that when the Duke of Wellington was deceased, the Government would have attended to what had been recommended by the Committee upstairs, namely, that some change should take place with regard to the allowance in question, favourable to the finances of the country. He also wished to know why the soldiers were not withdrawn from Australia, now that that colony had obtained self-government?

Mr. SIDNEY HERBERT said, that by an arrangement entered into with the Australian colonies by the late Government, the colonies were to pay all the maintenance of the troops stationed there, with the single exception of the cost of their arms.

Vote *agreed to;* as were also the two following Votes:—

(5.) 16,888*l.* Royal Military College.

(6.) 18,020*l.* for the Royal Military Asylum, and Hibernian Military School.

(7.) 88,000*l.* Volunteer Corps.

Mr. HUME said, there were no Estimates to which he should be more disposed to object than these. One half of those who entered these corps did so for the purpose of getting coats and uniforms to produce an effect in ball-rooms, and they ought to pay for the privilege of wearing them. He was for regular troops, and if they wanted an addition to the forces, why not raise a couple more regiments?

Sir De LACY EVANS said, that offers were made about a year ago to the late Government of the service of certain volunteer rifle corps, which appeared to be favourably received; at all events he had not been able to elicit from the late Home Secretary that there was any objection to the acceptance of such service. During the last war the principle of enrolling and employing volunteers, it would be remembered, was carried on to a considerable extent, and he believed they had been found a very useful aid in the defences of the country. He wished to ask the noble Lord who now held the office of Home Secretary whether the present Government proposed to avail themselves of the offers of voluntary services to which he had alluded?

Viscount PALMERSTON said, it was better to do one thing at a time. They were now engaged in organising a militia, and he was desirous of postponing the consideration of volunteer corps or rifle companies until they had got the militia well and completely organised. He believed the utmost reliance might be placed upon the spirit of the people of this country whenever their volunteer services might be required; but as the corps alluded to, however much of a volunteer character they might have, were attended with a considerable degree of expense, it might be as well to postpone the consideration of the subject, at all events for the present year.

Mr. HUME said, he did not think the noble Lord was happy in his explanation. We wanted the nation to be defended at as little expense as possible, and the noble Lord did not seem to be aware that the militia was costing the country 100,000*l.*

a year, which was taken from the industrious classes, and obliged them to continue the soap and other objectionable taxes. Why should not the noble Lord try if he could get these volunteers? He thought every man bound to contribute to the defence as well as to the taxation of the country. If Surrey and Middlesex required a certain number of riflemen, let the people of those counties turn out and choose their own officers. They would then create a corps with hearts and hands ready in case of need to defend their country, and one which in his opinion would be much better than this paltry, miserable corps at an expense of 88,000*l*.

Sir GEORGE PECHELL said, he had understood that of all the jobs the noble Lord had undertaken, the formation of the militia was that in which he had best succeeded, and that thousands of men more than sufficient were ready to be enrolled, and only anxious to get at the French. But on looking at a return laid on the table a short time ago, he found that in Kent and Sussex, those counties which they were told were most in danger, only about half the quota of militiamen had been raised. In his county (Sussex) he knew that the labouring classes were all well employed and by no means desirous of volunteering into the militia, nor were the inhabitants generally afraid of a French invasion. In Brighton, especially, they were far more afraid of the militia than of the French. He wished to know when an amended return would be presented, showing the number enrolled in those counties to the present date.

Viscount PALMERSTON begged to say that both the counties of Sussex and Kent would be very amply represented so far as the militia was concerned. The numbers were not completed yet, but he believed the enlistment was going on as favourably as could be anticipated.

Mr. EVELYN said, in the county that he had the honour to represent (Surrey), the gentry had met and proposed to form themselves into a rifle corps; and, if that proposition had been encouraged, the country would no doubt have had an efficient corps without its costing them one farthing of expense. He hoped the noble Viscount would take the subject into his consideration, and that the present Government would be disposed to allow the formation of this corps.

Viscount PALMERSTON said, he did not mean to undervalue the use of volunteer corps, but, being pressed, he must say he could not consider them as nearly so efficient for the purposes of national defence as a regiment of militia. That was the view taken in this country during the war which began in 1803; in the beginning of that war volunteer corps were set on foot to a considerable extent; they were gradually diminished, and a local militia was substituted. Who were the persons likely to form these volunteer corps? They were tradesmen, professional men, clerks, and apprentices—men accustomed to a comfortable existence and to take care of themselves—not men accustomed to rough work. These individuals were not calculated to lead the life of soldiers, and if called out to live in camp, to sleep in the fields, and be exposed to the rain and inclement weather, many of them would be soon fitter subjects for the hospital than the field. Moreover, they would all have to leave their homes and business, and be carried to the coast to serve with the regular Army. He fully agreed with those who thought volunteer corps might be very useful as the police of their districts, and, no doubt, also in seaport towns they might be useful as a means of natural defence; but he did not think that, as part of a permanent system of military organisation, you could reckon upon such a force as you could upon the militia.

Mr. WALPOLE said, the hon. and gallant Gentleman (Sir G. Pechell) had spoken of the militia as if that force were much less than might have been expected. It must be remembered, however, that the machinery for raising the militia had to be put in force during the month of August, and that before the end of September six counties had completed their quota, while by the end of December, when the return which had been printed on the subject was laid upon the table of the House, notwithstanding the apprehensions of those who opposed this measure, no fewer than, he believed, 35,000 men were raised, the most extraordinary instance of recruiting an effective military force, as he trusted the militia would become, which could be found in the annals of this country. He had been reproached for discouraging volunteer efforts; but he thought he had given sound reasons for the course which the late Government had pursued upon this subject. They were in effect the same as those which had been just given by the noble Viscount—that the object in raising the militia was to obtain, not a changeable but a permanent force in the country, and one upon which we could permanently rely —a body of men who could not retire from the service whenever it pleased them to do so. He would, however, remind the hon. and gallant General (Sir De L. Evans) that the Government of Lord Derby was about to sanction the establishment of volunteer rifle corps. There were only three or four which applied for Government sanction; but, before giving it, he had required of those regiments that they should submit themselves to all the regulations laid down by the Act of Parliament, and to certain necessary restrictions. Three out of the four regiments had, however, declined to embody themselves on those terms; and this, he conceived, did not encourage the Government to go on.

Sir De LACY EVANS said, he still thought the country would not understand why the establishment of this force should be discouraged.

Mr. HUME said, the answer of the noble Viscount was not very satisfactory. If the country ought to be prepared, as they had been told, why should not the voluntary service be general?

Viscount PALMERSTON said, the persons who composed all volunteer forces were totally different from those who composed the bulk of the privates of the militia regiments. They were not, as he had before said, persons who were fitted for the hardships of military life, and could not be carried away from their private occupations and from their homes to do permanent service, without serious inconvenience. If they were expected to march out, and encamp, and serve in the field, what would become of the business of the country?

Mr. HUME thought the noble Lord was blowing hot and cold; for he said before that in case of invasion business would be put a stop to, and every man would fly to arms.

Vote *agreed to;* as were the following Votes:—

(8.) 20,250*l.*, Rewards for Distinguished Services.

(9.) 55,000*l.*, Pay of General Officers.

(10.) 50,000*l.*, Full Pay for Reduced and Retired Officers.

(11.) 358,000*l.*, Half Pay and Military Allowances.

(12.) 34,628*l.*, Half Pay, &c., of Disbanded Foreign Corps, &c.

(13.) 117,637*l.*, Pensions to Widows.

(14.) 79,500*l.*, Compassionate List, &c.

On the next Vote,

(15.) 28,149*l.*, Chelsea and Kilmainham Hospitals (In-Pensioners),

Mr. HUME said, the abolition of Kilmainham Hospital was recommended by the Committee on the Army and Navy Estimates, and he thought it had been carried out by the Government.

Mr. SIDNEY HERBERT said, two proposals had been made—one to consolidate Kilmainham with Chelsea Hospital, and the other not to make any fresh appointments, and to let the institution die a natural death. At present no new appointments were made.

Mr. HUME said, it was in evidence before the Committee that it was difficult to fill Chelsea Hospital, and that it would be advisable to transfer the pensioners from Kilmainham thither. A large establishment ought not to be kept up for a few inmates when there was plenty of room at Chelsea.

Mr. DRUMMOND said, he remembered very well the appeal which had been made by several Irish Members on behalf of the Kilmainham pensioners, who stated it to be hard that the Irish soldiers should be taken from that hospital to a place where their relations could never see them—and he thought it had been successful.

Lord SEYMOUR said, the subject was carefully considered by the Committee, and their opinion was that Kilmainham Hospital ought to be done away with. He understood that it was now in course of being put an end to.

Mr. HUME said, the recommendation of the Committee was in accordance with the wishes of Irish Members. If they allowed to the Irish soldiers in their own homes the same amount expended in Kilmainham Hospital, they would be much better off. He did not object to the vote for the purpose of saving the money.

Colonel SIBTHORP said, he must protest against the abolition of this hospital as an unnecessary insult and injury to the Irish soldiers.

Vote *agreed to;* as were also—

(16.) 1,235,800*l.*, Chelsea Hospital (Out Pensioners), and

(17.) 36,000*l.*, Superannuations.

House resumed; Chairman reported progress.

METROPOLITAN IMPROVEMENTS (REPAYMENT OUT OF CONSOLIDATED FUND) BILL.

Order for Second Reading read.

Mr. BLACKETT said, he must ask for

an explanation of this Bill. The original notice was for a Bill to pay off certain charges on the Crown Lands, by virtue of an additional charge on the London Bridge Approaches Fund. That notice attracted his attention; but he was assured that the Bill would involve no further charge upon the coal duties, and that, when brought in it would show the matter quite plainly. The Bill, however, was anything but plain, and several professional Members had assured him that it was neither Queen's English nor lawyer's English. The 12th Clause ran thus:—

> "Inasmuch as the whole of the said moneys so charged on the London Bridge Approaches Fund being directed, as aforesaid, to be paid to the account of the Consolidated Fund freed from the said moneys directed to be paid in respect of the Southwark improvements, the Commissioners of the Treasury shall, out of the Consolidated Fund, pay to the Commissioners of Works such a sum of money," &c.

It was not grammar. The Bill was not printed for circulation till Wednesday, and the Newcastle Coal Trade Committee had not had time to communicate their opinion upon it.

SIR WILLIAM MOLESWORTH said, he hoped there would be no objection to read the Bill a Second Time. It would not in any way increase the charges upon the coal duty. The object was this:—A sum had been raised on the security of the coal duties for certain metropolitan improvements; there were balances in the Exchequer now, and the Government wished to employ part of them in paying off this debt, for which they were paying high interest. It was simply a financial transaction, to save interest, and not an additional farthing would be charged on the coal duties.

LORD SEYMOUR said, that formerly the offices of Works and Land Revenues were in one department, and the head of the department being pressed to make some public improvements, and money being wanted, the land revenues were mortgaged for the purpose. The money was borrowed from the coal fund. This circumstance led to the division of the departments of Works and Land Revenues, so that such confusion should not occur again. A sum of 800,000*l.* had been borrowed, and the interest was paid out of the land revenues, and it came to the same thing whether it was paid out of those revenues or the Consolidated Fund; with this exception, the Chancellor of the Exchequer was enabled to raise the money at a reduced rate of interest. The Bill did not affect the coal trade in the least.

MR. J. G. PHILLIMORE hoped the right hon. Baronet (Sir W. Molesworth) would not press the Second Reading; for the Bill was in such a state that no man could elicit any meaning whatever from either Clause 1 or Clause 12. The Bill presented a barbarity of expression which might safely challenge comparison with anything in the Statute-book.

MR. INGHAM said, there existed some misapprehensions in the north of England on the subject of the Bill, which he hoped might be removed on its passage through Committee.

MR. J. WILSON said, he would briefly state what the object of the Bill was. Some years ago a Commission had been appointed for the purpose of executing certain improvements in the metropolis. Large sums of money had to be borrowed, and the Commissioners had applied to the Bank of England for a loan. The Bank of England had been unwilling to lend money on the security of the Commissioners, and it had been proposed to give to the Bank the security of the land revenues. Interest had then been paid for many years out of the proceeds of the land revenues, but subsequently it had been found that this was a very onerous and expensive way of raising money. The object of the present Bill was to enable the land revenues to be discharged from the obligation which they now laboured under, and that the sums borrowed should be paid out of the balances now in the Exchequer, which were at present yielding no interest. He believed the obscurity in the language of the Bill arose from the complicated circumstances out of which they arose.

MR. DISRAELI said, that considering the great talents of the present Government, he had to express his regret that this Bill had been brought forward in a manner so unsatisfactory. It appeared to be the intention of the Bill to terminate what had originally been a very improvident arrangement, by a method which, however desirable it might be in a merely financial respect, would yet result in diminishing the balances in the Exchequer. Now it was of very great importance that these balances should be maintained. He should like to know to what amount the balances in the Exchequer would be diminished by this arrangement. It was of great importance that the amount of those balances should be sustained. That was a consideration which the House ought to entertain, and they must not consider that they were terminating a pressure while they were imposing a charge of a far more injurious character. It certainly appeared to him that this Bill had been drawn up in a very obscure manner, and that it was founded on a principle which the House ought to look at with very great suspicion. They ought at least to know to what extent the balances in the Exchequer would be affected.

Mr. J. WILSON said, that the amount for which the Exchequer balances would be appropriated was 960,000*l.*, which, with interest, came to about 1,000,070*l.*, and the Exchequer was in a state in which it was rather convenient that it should be charged with this sum. They had a claim on the coal duties to repay this sum to the Exchequer, and the amount of the duties for the present year was 80,000*l.* The charge was not to form a permanent payment from the balances in the Exchequer, but was to be paid by the balances to the Bank of England, to terminate a debt on which they now paid 4 per cent, while the Exchequer balances were lying unemployed. The Exchequer would be repaid by the coal duties till all the money advanced was made good.

Mr. PHINN said, he must appeal to the Government to admit that the Bill was drawn in such a way as to be discreditable to the legislation of the House. He thought they had received a sort of guarantee at the commencement of the Session that Bills should be clearly drawn up; but the Bill before them was drawn in such a way that not a lawyer in Westminster Hall could tell what it meant. There could not be a more vicious or involved Act on the Statute-book. He thought Government should see Bills were intelligibly drawn, so that the House could understand them.

Mr. DISRAELI said, his question had not been answered. He wished to know the amount which was now in the Exchequer as balances, the amount which would be drawn from the Exchequer balances for the purpose of the Bill, and the time when that amount would be repaid?

Mr. J. WILSON said, that the balances in the Exchequer were about 9,000,000*l.* sterling, which would be reduced by 1,000,000*l.*, or thereabouts, by this measure. This sum would be repaid by the accruing duties on coals, which amounted, in the present year, to 80,000*l.*

It was to relieve the land revenue of the Crown, which was liable at present, that the change was made. He quite admitted that the Bill was one of the most difficult to understand, but that was owing to the difficulties arising from the discreditable arrangements which had been made when the debt was formed, rather than from any want of clearness in those who drew it.

Mr. HENLEY said, he quite agreed with the hon. and learned Gentleman (Mr. Phinn), who said that this Bill was so drawn that it was impossible for anybody to understand what it provided or what it meant.

Mr. J. WILSON said, that under the Acts of Parliament on the subject, the coal tax was charged to the Government not only for the principal sum of the expenditure for metropolitan improvements, but also for the interest at the rate of 5 per cent; and he believed that there was now due to the Government under the Act a sum of about 900,000*l.* as principal, and 130,000*l.* more for interest.

Mr. WALPOLE thought it would be remembered that the Chancellor of the Exchequer (who was not now in his place), when he introduced the Bill, explained that its details were complicated and difficult to understand; and therefore he (Mr. Walpole) would suggest to the right hon. Gentleman who now had the charge of the measure, that it would be better to postpone the second reading till Monday, in order that the House might receive an explanation respecting the Bill, for really nobody who read it could understand it as it stood.

Sir ROBERT FERGUSON hoped that an explanation would be made of the security that was given for this money, as the Bill referred to other Acts, and the matter was utterly unintelligible to everybody.

Sir WILLIAM JOLLIFFE said, he thought the Bill ought to be postponed, and that an inquiry should be instituted into the nature of the coal tax. He understood that the security at present rested upon the coal tax and the land revenues of the Crown conjointly, and that the moment this Bill passed the whole liability would be borne by the coal tax alone.

Mr. ALCOCK said, he must complain that Government was pressing forward a Bill with which no one seemed to be satisfied. He was satisfied they would be left in a minority if they went to a division.

Motion made, and Question put, "That the Bill be now read a Second Time."

The House *divided*:—Ayes 102; Noes 55: Majority 47.

Bill read 2°, and *committed* for *Friday* next.

The House adjourned at half after Eleven o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 28, 1853.

MINUTES.] PUBLIC BILLS.—2ª Bail in Error. *Reported.*—Law of Evidence (Scotland).

CLERGY RESERVES (CANADA).

The EARL of DERBY, having presented a large number of petitions from Canada, praying that no alteration may be made in the laws respecting Clergy Reserves (Canada), said: My Lords, I have now to call your Lordships' attention to the prayer of sixty-four or sixty-five petitions, to which, from the importance of the subject to which they relate, and the magnitude of the principles they involve, I have thought it right to call your Lordships' attention by placing a notice on the papers of the House. These petitions are from various bodies belonging to the Church of Scotland in Canada; but it is right that I should state to your Lordships that the object of these petitions is all the same, though expressed in various terms. They pray that your Lordships will preserve inviolate the arrangement entered into in the year 1840, and will not interfere with, nor suffer to be interfered with, that arrangement with regard to the clergy reserves in Canada. It is quite right that I should state that a portion of these petitions were prepared so long ago as 1851, and that they were then brought over to this country with the intention of being presented against a Bill of a similar character to that now proposed, which was at that time before the Legislature. It was then the intention to place them in the hands of the noble Duke, the Lord Privy Seal (the Duke of Argyll), to whose active and unremitting services the House and the country were mainly indebted for the withdrawal of that Bill. The withdrawal of that Bill rendered the presentation of those petitions unnecessary; and equally unnecessary was it, after the declaration of Her Majesty's late Government, of which I was a Member, to present any petition or petitions during 1852; but upon the accession of the present Government, those who were connected with the Church of Scotland felt it to be their duty to renew and reiterate the expression of their former opinions, and they have authorised me to state that these opinions of the congregations of the great body of the Church of Scotland remain unaltered. And undoubtedly these petitions would have been placed in 1853 as in 1851 in the hands of the noble Duke opposite, but that the petitioners apprehended that they would thereby cause some embarrassment to the noble Duke, who might not feel himself at the same liberty as in 1851 to afford his valuable assistance to the petitioners; and in consequence of the position now occupied by the noble Duke, I have been requested by the petitioners to present their petitions in place of him who would have stated their case with much more ability and power, and to pray the earnest attention of your Lordships to this subject. I confess that it is without any surprise that I saw the present Bill, of which notice has been given to the other House, introduced by some portion of Her Majesty's present Government. I regret undoubtedly to see that it has been taken up by the Government as a body, and that it has been brought forward by them as a Government measure. I regret it, because, without meaning any disrespect to them, I cannot but look upon this measure as one that will deprive the Protestant Church in Canada of rights which they, as Ministers, are bound to defend, and as a violation of the rights of property of which they are the legitimately constituted guardians. If I could look upon the measure in any more trivial light, I should not be insensible to the many conveniences and temptations to a Minister to acquiesce in the introduction of the Bill, because I do not seek to conceal from your Lordships that the object of this measure is one greatly desired by a large portion of the people of Upper and Lower Canada, by a large majority of the people of the United Provinces, and by a considerable portion of the people of the Upper Province. I cannot deny also the general plausibility of the argument that it is right to leave to the colonial legislature the management of their own property and regulation of their own internal affairs; and I am not insensible to the advantage to be derived to any one who proposes to Parliament a mode which can recommend itself to their consciences of getting rid of a considerable amount of business, in regard to which they feel themselves imperfectly informed. But my sense of public duty compelled me as a Minister to refuse to assent to that of which I saw the expediency, but of which I felt the viciousness of principle; and the same sense of duty which led me, as a Minister, to refuse my assent, leads me on the present occasion to support the prayer of these petitioners, and to intreat your Lordships not to sanction the present measure. I have said, my Lords, that I admit the plausibility—nay, I admit much more—I admit the justice of leaving to the colonial legislature, as far as possible, the management of their peculiar internal affairs. In 1840, when the civil list was reserved by an Act of the Imperial Legislature out of the revenues of Canada at the time of the union of the Provinces, that interference with the property of the colonists was held by them to be highly objectionable; and although under the circumstances, it was impossible to avoid coming to such a measure, yet it was with great satisfaction that I gave my assent as Secretary of State to the introduction of a measure by which, upon the colonial legislature passing by its own authority such a civil list as might be accepted by the Crown, the statute of the Imperial Legislature dealing with their property could be repealed. The consequence was, that that civil list rested on the authority of the colonial legislature. My Lords, I will go further, and say that I do not think that the mere impolicy of a particular arrangement, as it might strike a Secretary of State or a Minister for the time being, would be a sufficient reason for refusing the assent of the Crown to that which might be proposed by the colonists and passed by the colonial legislature. In 1850, the Government which preceded mine had refused upon more than one occasion their assent, upon the ground of impolicy, to measures passed by the colonial legislature for countervailing bounties and privileges granted to American seamen by the American Government, by countervailing duties on the part of the colonial legislature; and in refusing to assent to Acts passed by the colonial legislature, the ground taken was, that those measures were at variance with the general principle of free trade. My Lords, I mention this merely for the purpose of showing that with regard to Acts of the colonial legislature, I am not averse to leaving them the management of their own affairs bearing on their own interests; and consequently, without expressing any opinion with regard to the policy or impolicy of granting bounties to colonial seamen on the part of the legislature of the colonies, I consented to the measures of my predecessors, and I permitted the colonial legislature to deal with their own revenues as they thought fit for the promotion of their own interests. But my opposition to the measure now under consideration is, that in this case the colonists are seeking to deal, not with their own property, but with that which never was their own property, over which they never had the right to exercise any control, and which, by competent authority and the strongest guarantees, had not only been otherwise appropriated and taken out of their jurisdiction previously to the establishment of their constitution, but which upon two occasions was made one of the fundamental conditions upon which that very constitution rested. It was as early as the year 1775, when the Crown exercised an uncontrolled authority over the then province of Quebec, that it was thought necessary and expedient, when the principal guarantee was given for the exercise of the religion and the maintenance of the property of the Roman Catholic inhabitants of Lower Canada, to afford inducements to Protestants to settle in the province of Quebec, by the promise that they, at all times to come, should have secured within that province as an endowment to the Protestant clergy, one-seventh part of the lands of the Crown, to be guaranteed and appropriated as those lands accrued. There are at present residing in Canada many of the descendants of those who, quitting the United States, settled in the province on the strength of that guarantee, and on the faith of the British Crown, that in all times to come provision should be made from the lands of the province for the Protestant clergy, and the dissemination of the Protestant faith. My Lords, I mention it to the credit of the United States, that there are at this moment, in various of those States, endowments to the Episcopal Church of this country—endowments which were created previous to the Revolution, and which were wholly adverse to the spirit and principle of that great Republic, but which, from that time to this, have been held sacred, and the rights of property have in favour of that Church, granted by the Crown, been respected and upheld. What we ask is, that the British Parliament shall not be less just than the Republic of the United States has been to its own subjects and to the Episcopal Church.

I said that in 1775 this provision was made by Royal proclamation. In 1791, as your Lordships are aware, the two provinces of Upper and Lower Canada were separated; these institutions were remodelled, and a constitutional government was given to the province of Upper Canada;—and let me observe, in passing, that it is mainly, though not perhaps exclusively, to the province of Upper Canada, or that portion of Canada which was formerly Upper Canada, that this question relates. A constitutional government was given, and in the very Act which constituted and established that Province, there was reserved, by the power of the Legislature, and confirmed by the Crown and by the Act of the Imperial Parliament, that reservation of the clergy reserves which had been previously given by Royal proclamation in 1775. I am not speaking of the policy of that endowment, or of the reason or far-sightedness of the separation of the two Provinces;—I am not speaking of the meaning which may be involved in the terms "Protestant clergy;"—but there is no doubt that at the time when that grant was made, that time being previous to the establishment of the constitution itself, and of the rights of the subjects of the Crown in Canada, that special reservation was made of one-seventh of the land, under authority perfectly competent to make it, and made, too, in the most solemn terms by the Act of the British Parliament for the maintenance, for all time to come, of the Protestant clergy in that Province. Therefore I contend that one-seventh, being already alienated and appropriated by authority perfectly competent, being sanctioned by the highest authority of the Crown and of an Act of Parliament, being declared to be a permanent endowment, and being the inducement by which many loyal Protestants were led to settle in that province, on the faith of the Crown and of Parliament—I say this is not a subject with which the provincial legislature can claim to deal; it is private property, withdrawn and exempted from their jurisdiction at the very time when that general jurisdiction was conferred upon them. For a very considerable period of time those reserves were altogether unproductive. They were more than unproductive—because, there being no power to sell any portion, but only power of leasing, in a country where leasing was unknown, and the possession of property was easily attainable, it was impossible to realise any considerable sum for the maintenance of the clergy; and in the mean time the lands remain uncultivated and waste, an impediment to the advancement and general progress of the provinces. In 1819, a question arose, and an opinion was given by three very learned persons—Lord Gifford, then Attorney General, Sir Christopher Robinson, and a noble and learned Lord, who was at that time Solicitor General, Lord Lyndhurst—to the effect that by the term "Protestant clergy" was to be understood the clergy not merely of the Church of England, but the clergy of the Presbyterian Church of Scotland, and the clergy of other denominations. I do not pretend to say how far that opinion might have been in accordance with the original intention of the Royal Proclamation and the Act of Parliament. If I might venture to hazard an opinion, it would be that in 1791 the endowment of the Church of Scotland did not enter into the intentions of the founders of the Canadian constitution, but that it was intended to endow the Church of England merely under the terms "Protestant clergy;" for a provision had been made from time to time for erecting rectories according to the principles of the Church of England. However, the opinion being given, and on very high authority, that whatever might be the original intention, the terms "Protestant clergy" did not exclude the Church of Scotland, from that time Secretaries of State and Governors of Canada successively acted upon that principle, and in point of fact the proceeds of the reserves, such as they were, were apportioned between the Church of England and the Presbyterian Church of Scotland. In 1827 the inconvenience to which I have before adverted was so much increased, that an Act of Parliament was passed, not by the colony, but by the Imperial Parliament, namely, the 7th and 8th *Geo.* IV., by which authority was given, not only to lease but to sell a certain amount of the reserves, and invest in British security the proceeds of such sales, the proceeds of course to be applied to the same purposes to which the land was applicable. Under that Act of Parliament the reserves gradually became more productive and more an object of interest to the various denominations; and I cannot conceal from your Lordships that at that time the province of Upper Canada, being largely increased in population by inhabitants from the United States, amongst whom there was a strong feeling against any endowment of any religious denomination whatever, there did spring up a strong and earnest desire to deal with those clergy reserves, some persons desiring to appropriate them to the general maintenance of all denominations of Christians, some being anxious to devote them to purposes of education, while some were willing to secularise them altogether, and to devote them to the purposes of the State. This was a subject of frequent conflict from 1827 up to 1840. At that period a great change, as your Lordships are aware, took place in the Government of Canada. After the suppression of the rebellion it was deemed necessary, or, at all events, advisable, to provide for the future government of Canada, and it was hoped that in so providing for it dissensions between the two provinces might be avoided by amalgamating in one Chamber the Legislatures of Upper and Lower Canada. At that time it was felt that, with regard to the religious endowments more especially, that amalgamation of the provinces must produce an extraordinary change of circumstances; that whereas, to a certain extent, by provision of the Act of 1791, the provincial legislature, subject to the control of Parliament, had a prospective power of altering the arrangements with regard to the reserves, and of modifying their future allotment and appropriation, it was a very different thing to have that power vested in a legislature, a vast majority of whom were of the Protestant religion, and leaving it in the hands of a united legislature, nearly one-half of whom were Roman Catholics, and who, by a union with the minority of the Upper Province, might have the power of altogether secularising the endowment, and of diverting it from its original purposes. It was felt, therefore, that it was necessary at the time of establishing the union between the two Provinces, again to confirm in the most emphatic manner, and in the strongest terms, the original appropriation of the reserves, or the proceeds of them, to the purposes of the Protestant clergy, and to make provision for the permanence of that arrangement, whatever might be the future views of the united Legislature with regard to those endowments. Mr. Poulett Thompson, when Governor General of Canada, obtained, with considerable difficulty, from the Legislature of the Upper Province an Act which, to a certain extent, carried into effect the original intention, by securing an endowment, though only a partial one, for the clergy of the Church of England and of the Church of Scotland. An Act was passed by which those reserves, and the proceeds of those reserves, were ever hereafter set apart for the endowment of the clergy of those Churches in certain proportion, and of all other denominations of Christians, and for the maintenance of public worship. When that Bill, in pursuance of the provisions of the Act of 1791, was submitted to the consideration of Parliament—for it was one of the provisions of the original Act that the measures of the colonial legislature must be submitted to the consideration of both Houses of Parliament before receiving the sanction of the Crown—upon laying that Bill upon the table of the House, the question arose whether the local legislature had not, in so dealing with those reserves, exceeded the power conferred upon them by the original Act. Questions were submitted to the consideration of the Judges, whether in three specified points the legislature had not exceeded their powers; and the Judges, by the mouth of Lord Chief Justice Tindal, on the 4th of May, 1840, stated that all the Judges, with the exception of Lord Denman and Lord Abinger, were unanimous in their answers to the questions which had been put to them. They were unanimous in asserting that the words "a Protestant clergy" did extend beyond the narrow construction which would have limited the clergy reserves to the clergy of the Established Church. And when he asked what other denominations might be included besides the Church of England, they answered that the Church of Scotland also might be included. They were asked whether the effect of the 41st section, by which the local legislature, subject to certain conditions, were authorised to modify the appropriation, was to be considered as applying prospectively or retrospectively, as applying to the allotments and appropriations previously made, or such as might be the produce of sales thereafter to be made. Upon that subject the Judges were unanimous in declaring that the colonial legislature had exceeded their powers—that they had no power under the original Act to deal retrospectively—that the rights of property were beyond the control of the legislature—and that all they had the power of doing, even subject to the control of Parliament, was the prospective disposal of the funds thereafter to be raised. They further stated that they were of opinion that the Legislative Council and Assembly in Canada had exceeded their authority in passing an Act to provide for the sale of the clergy reserves, and the distribution of the proceeds thereof, in respect of both the enactments specified in your Lordships' question—that was, in reference to the power granted in 1827 to sell certain portions of the clergy reserves, specially vesting the proceeds of the sale in British securities; whereas, the colonial legislature had appropriated the proceeds of the sale, and vested them in colonial securities. Upon all these three subjects the Judges were unanimously of opinion that the local legislature had gone beyond their powers, and had dealt with subjects over which they could exercise no control. It was, therefore, necessary to introduce a measure into the Imperial Parliament to remove the serious difficulties which had arisen to the settlement of that great and important question; and after grave discussion and deliberation, after no slight amount of objection from those who thought that by the Act so introduced their rights were seriously infringed, Parliament, with tolerable unanimity, sanctioned the adoption of a measure by which a settlement of the dispute in question was made, and by which, for a second time, in establishing anew the constitution of Canada, the right was reserved to the Imperial Parliament alone to deal with the question of the clergy reserves, which, as a matter of property, were again withdrawn from the control of the colonial legislature. That Bill was introduced by the noble Lord the present leader of the House of Commons (Lord John Russell), and it is impossible to exaggerate the strength of the expressions with which the noble Lord vindicated the partial departure from the principles of the Act of 1791. He emphatically declared that it was all-important and essential that this great question should be finally and at once withdrawn from the possibility of future controversy, and that a settlement should be made which should be accepted by all denominations as final, and which should ultimately restore, by the authority of the Imperial Parliament, peace upon this much-vexed question to the Legislature of Canada, by withdrawing the question wholly from their jurisdiction. And to show the *animus* by which the Government of that day, composed of a large portion of the members of the present Government, were actuated, I may state that they, in a most marked manner, omitted from that new Act the conditional permission granted in the Act of 1791 to the colonial legislature, to deal even prospectively with any portion of the arrangement. Under that Act an arrangement was made by which a distinction was drawn, following the decision given by the Judges, between property already realised, and property thereafter to be realised. Two-thirds of the amount already realised, was reserved for the clergy of the Church of England, and one-third for the clergy of the Church of Scotland; and these reserves were vested in bodies constituted for the purpose, and charged with the administration of these funds. The funds so dealt with amounted to but one-fourth of the estimated amount of the whole of the clergy reserves; and with regard to the other three-fourths similar arrangements were made. The three-fourths were divided into two equal portions. With regard to one of these portions, it was divided between the clergy of the Church of England and the clergy of the Church of Scotland as before. The other half was left entirely to the disposal of the colonial legislature, to be dealt with as they might think fit for the object of promoting religious worship—even going such a length, in their desire of conciliating all parties within the province, and to leave no cause of complaint, as to omit the words, "Protestant clergy," and to allow the application of a portion of that half, not only to Protestant Dissenters, but to be employed for the purposes of the Roman Catholic clergy. It is impossible to exaggerate the strength of expression used by the noble Lord (Lord John Russell) on the part of the Government in moving the Bill, or of the Governor General of Canada in recommending its adoption. The Governor General of Canada, on that occasion, went the length of saying that, unless this question were then finally and for ever disposed of, the union of the two provinces would be useless, and worse than useless; and up to the year 1846 the most liberal Members of the provincial Parliament held the strongest possible language with regard to the finality of that arrangement, declaring that they adopted it as a permanent and final settlement, and that they would look upon it as a curse to the country if that arrangement should be withdrawn, and the element of religious discord again introduced.

My Lords, it is the maintenance of that establishment, of that contract, and of those rights of property so solemnly and so repeatedly guaranteed, that the petitioners, not desirous of disputing the right of the colonists to deal with affairs exclusively their own, pray that your Lordships will not sanction a departure from the great settlement then made—will not deprive them of the rights and property guaranteed by the highest authority—and will not again introduce into the councils of Canada the elements of religious discord which must lead to interminable confusion. The object of the great bulk of those who are seeking the right to deal with this property, is not, as your Lordships might be led to suppose, an appropriation and allotment amongst the various religious denominations, more in accordance with their respective numbers, and with the liberties of a country in which no dominant Church will be tolerated or supported. The object is one of a very different character. The object is to alienate from religion altogether that provision which the piety of former Sovereigns and former Parliaments granted for its support, and to introduce throughout the length and breadth of Canada the republican principle of voluntaryism adopted in the United States. Do not deceive yourselves by supposing that the object of these parties is a better distribution of the revenues for the purposes for which they were originally intended—the maintenance of the Protestant clergy, the support of the Protestant religion, or the support of any religion whatever. The object—the avowed object—of a large portion of those who are proposing to deal with the question, is the secularisation of those revenues, and their application to other than religious purposes. I know it will be said with regard to measures of this kind, that if such an attempt were made, the right of the Crown still remains, and the Secretary of State might interpose the Royal *veto* upon such an Act. I hardly think the noble Duke the Secretary for the Colonial Department will rely upon that argument; because the argument of the present Government is, that with regard to these affairs the colonial legislature is the best and the only judge. And to give the colonial legislature the power of dealing with these revenues, and then to control them in so dealing, is granting a boon which, if you would maintain your position, would be a mockery, and which an attempt to maintain must lead to indescribable discord and confusion. Grant that the local legislature have the power of dealing with these clergy reserves, I will defy you not to follow up this principle, and say that the mode in which they deal with them is a question as exclusively within the right of the colonial legislature as the right of dealing with them at all, and that from the moment you sacrifice any authority or control which the Crown and the Parliament possess, you give up the rights and property which the Crown and Parliament have guaranteed and are bound to maintain, and you practically constitute Canada an independent country. I speak with a full sense of the gravity of the alternative when I say, that if in truth it be the desire of the people of Canada that they should exercise a wholly independent power of legislation—that they should in no respect be checked by the authority of the Crown or by the interposition of Parliament—I say far better admit that principle frankly, and at once relieve the Minister of the British Crown from a nominal and often a very painful responsibility—declare openly that over the legislation of Canada Parliament exercises no control, and refuse to go through the farce, as it will then be, of advising the Crown by a responsible Minister to assent to, or withhold its assent from, any specific measure that may be passed. Admit the independence of Canada, and if the colony be still connected by the tie of the Crown with this country, in that case let it be distinctly understood that the Crown acts upon the advice, not of the Imperial, but of the colonial legislature, and that you stand towards Canada in the same relation as you stood to Hanover. I do not say that such an arrangement would not give me much cause of regret; but it would be far preferable to that doubtful position in which you at present stand, affecting to exercise a control which you dare not exercise, and responsible, or nominally responsible, for the approval of measures which—whether you approve or whether you do not approve—whether they be in violation of a plighted faith, in violation of the guarantee of the Crown, in violation of the rights of property—you equally hold yourselves bound to assent, on the general and broad principle that the colonists are the best judges of their own affairs; and that that which the legislature of the colony has acceded to, the Crown is not justified in forbidding in this country. In a pecuniary point of view, no doubt, the advantages of such a separation would be very great. With regard to the friendly relations which may still be continued, I do not despair but that those relations might be maintained and upheld, and perhaps even improved, by the absence of a nominal control; and if the Province desires to place itself in that position, I, for one, would not be the person to withhold the assent of Parliament. But as long as the province remains a province—so long as a Minister of the Crown is charged with the vindication of the rights of British subjects—so long as Parliament reserves any portion of colonial legislation in its own hand, and maintains the rights of British subjects guaranteed by that legislation—so long, whatever may be the hazard, I will not be a party to assent to the sacrifice of those rights, or allow any interposition with regard to the rights of property which I would not sanction in this country—which I would not sanction with regard to the rights of the Church of Scotland—which I would not sanction with regard to the rights of the Church in Ireland—which I would not sanction with regard to the rights of any portion of the community whose rights and whose property were guaranteed to them under the faith of the Crown by an authority competent to guarantee them.

Do not flatter yourselves, my Lords, that if you pass this Bill you will by so doing avoid future controversy and future religious discord. You will more probably perpetuate, and aggravate, and embitter it. First of all, when the colonial legislature shall be enabled and empowered to deal with these clergy reserves will arise the bitter strife between all the contending parties who seek to appropriate these reserves each to their own body, and between them and that larger body still which seeks to deprive the religious bodies of all, and to secularise the whole amount of these revenues. Remember that this is a question which mainly applies to the province of Upper Canada. But in Lower Canada there are very large endowments in land; there is a very large property; there are very large compulsory payments in aid of the Roman Catholic clergy. These rights rest on a footing not a whit more strong than the clergy reserves. ["Hear, hear!"] The two noble Dukes opposite (the Dukes of Newcastle and Argyll) cheer that observation—do they foresee, do they believe it possible, that with the sanction of the Government principle of secularisation once introduced, the Protestants of Upper Canada and the Protestant minority of Lower Canada will be satisfied with the assertion of that principle that there shall be no dominant Church as relates to the Protestant body; that all territorial and other revenues appropriated to the purposes of the Protestant clergy shall be secularised and converted to other purposes? And do they believe that that same body of men, with that sanction on the part of the Legislature and the Government, will tamely submit to the continued endowment of the Roman Catholic Church with such enormous revenues, as the only endowed Church, after the British Parliament shall have sanctioned the confiscation of the only provision which our ancestors have made for the conservation of Protestant worship in the Protestant portion of the colony? From that moment arises a bitter feud for the alienation and confiscation of the provision made for the Roman Catholic Church in Lower Canada: from that moment all the differences of race and creed are brought into immediate and hostile conflict. At the present moment the superintending and controlling authority of Parliament keeps all these elements in check, and by sanctioning a provision which has received the acceptance of all as a final arrangement and compromise of this difficulty, has withdrawn these elements of controversy and contention from the province of the local assembly, and has thereby to a great extent saved the colony from the agitation which would arise out of them. But the instant you sanction this new principle of confiscation, the differences of religion and race again rise, and you will have aggravated, embittered, and perpetuated those differences and dissensions which, for so long a time, were the bane and curse of Canada, and the obliteration of which, by one great act of justice, was the object of the union of the provinces in 1840. Do not flatter yourselves, my Lords, that by a dereliction of principle you escape from the difficulties of asserting the jurisdiction and supremacy of the Crown. Do not think you will introduce peace into the province. You will introduce perpetual and increased discord; and when you have made this great concession you will find yourselves, step by step by step, involved in difficulties in which, in vindication of the rights of property, of the Crown, and of your fellow-subjects, you are unable to interfere, and one after another you will be compelled to give the unwilling—I had almost said the degrading—sanction of the British Legislature to objects and purposes of which that Legislature, perhaps, cannot approve. If I refer to this subject strongly, it is because I feel that the honour and dignity of the Crown are endangered by the Bill. I know there may be risk from the firm but temperate maintenance of the rights of the Crown; but whatever risk there may be, none can be so great to a British Parliament, or a British statesman, as that of abandoning, for the purpose of expediency, the claims of principle and of justice, and the rights of property. And as while I had the honour of holding office under the Crown, not unaware of all the temptations to hold a different course, I was prepared to risk the existence of the Administration of which I was a Member upon the maintenance of the rights of property; so in my place as a Peer in Parliament I cannot refrain from entering my protest against Parliament being induced to do that which, as a Minister of the Crown, I never would consent to do.

The DUKE of ARGYLL said, he was anxious to explain some of the circumstances to which the noble Earl had referred in connexion with himself. It was true that in the course of 1851 a deputation came over to this country from Canada representing the interests of the Established Church of Scotland, and they placed in his hands certain petitions against the Bill which was said to be in course of preparation at that time by the noble Earl who then held the seals of the Colonial Office (Earl Grey), and which was understood to be similar to the Bill lately introduced into the other House of Parliament. It was not true, however, that he in any way expressed any decided opinion upon the policy involved in that Bill. The petitions were brought to him at a rather late period of the Session, and he thought it extremely improbable that a measure would then be introduced; but although he said nothing in that House on the subject, he had certain private communications with the then Colonial Secretary, from which he gathered that during that Session of Parliament no Bill would be introduced. But he had to-night heard for the first time that any representation of his had had the slightest effect in causing the delay. He would frankly say, however, to the noble Earl and to the House, that, upon the statement submitted to him by the deputation, his own private feelings and opinions were rather against the measure than in its favour. At that time, however, he could not inquire fully into the case; but if a complete statement of the facts had then been made to him, he believed his opinion would have been different from that which he then formed. It was to be remembered, however, that at that time the Parliament of Canada was approaching its close, a new Parliament was about to be assembled there; and he did then think that it would be much better not to proceed with a measure on this subject, important and grave as the consequences might be, until the new Parliament had assembled, and an opinion similar to that expressed by the then existing Parliament had been expressed by the succeeding one. The new Parliament of Canada had since met—a Parliament, be it remembered, elected with this question brought fairly under the notice of the people—and the verdict of that Parliament had been, by a very considerable majority, in favour of the course which the present Government had determined to pursue. As the measure of the Government would come before their Lordships at a later period of the Session, and a full opportunity would be given for its discussion, it was not now his intention to enter upon the whole subject. He was, however, anxious to explain some of the grounds upon which his own opinion had been formed. When the present Government came into office, they found that this great question had been raised by the Parliament of Canada, and that a formal Resolution was adopted by a considerable majority of the representatives of both Provinces. In one way or other, therefore, it was clear that that question must be dealt with. The noble Earl (the Earl of Derby) had repeatedly referred to the settlement of 1840 as a final and conclusive settlement of the question. What, however, had been the resolution—or apparently the resolution—of the late Government? The late Secretary of State for the Colonies (Sir John Pakington), in a despatch, in which he intimated that he was not prepared to proceed with the measure prepared by Lord Grey, said, that although no ground was left for reasonable jealousy or complaint of undue favour to any religious denomination, Her Majesty's Government thought it might possibly be desirable, on account of the changes that might have been effected in the character of the population from emigration and other causes, that the distribution of the fund should "from time to time be reconsidered." The late Government then came apparently to the conclusion that the settlement of 1840 was not a final settlement, but that it should be reconsidered from time to time, and the money redistributed. Now, he wished to ask the noble Earl (the Earl of Derby) upon what principle he had proposed to proceed in that redistribution? He found in one of the printed papers an opinion of the Hon. J. H. Price, late commissioner of Crown lands, and the originator and mover of the resolutions of 1850, declaring "that three-fourths of the people believed that the arrangement was made in injustice and partiality." Did their Lordships suppose, then, that a settlement of which three-fourths of the people of Canada entertained such an opinion could really be regarded as a final settlement? Although he (the Duke of Argyll) was a member of the Church of Scotland, he had not the slightest jealousy of the larger share of these funds which was enjoyed by the Church of England in Canada, and he should be very glad if the existing settlement remained unchanged. He found, however, from papers on the table, that although the adherents of the Church of England were hardly more than one-fourth of the whole population of Upper Canada, they enjoyed considerably more than one-half of the whole of the clergy reserves. He found also, that the Roman Catholics enjoyed from this fund—which was originally intended for the maintenance of the Protestant clergy in Upper Canada—a considerably larger share than the Presbyterians, Dissenters, and the Wesleyan Methodists put together. It was impossible that such a settlement as this, although it might be considered as a compromise for a time, could be regarded as a final settlement. He again asked upon what principle the noble Earl would have proceeded in a redistribution of this fund in accordance with the statement of Sir John Pakington? Would he have set himself to the task of altering what he called the "final settlement" of 1840? Would he have taken something from the large share now enjoyed by the Church of England, with a view to its redistribution among the dissenting bodies of Canada? If the noble Earl had done so, he would undoubtedly have met with all that opposition from the members of the Church of England which was now manifested against the proposed measure. He had not the slightest doubt that if a measure had been introduced, even by the noble Earl, for the redistribution of these funds, which touched a single fraction of the share now belonging to the Church of England, the proposal would have been met with strenuous opposition, and the noble Earl would probably have been asked by the right rev. Prelate (the Bishop of Exeter), in the words which he used the other night, whether he dared to commit the sacrilege of taking one farthing from this fund? The noble Earl had said that by the Constitution of 1791 the provinces of Canada were not entitled to deal with this fund. It was, however, clear, from the wording of the Act of 1791, that it was the intention of the Legislature that the Parliament of Canada should exercise very large powers, not only over the future distribution but the future existence of the fund. The Act declared that the provisions for setting aside the land might be "varied or repealed" by the Acts of the local Parliament. Now, although the opinion of the Judges in 1840 limited this power to future allotments, and placed all past allotments beyond it, it was perfectly clear that if the colonial Parliament had interfered immediately after the passing of the Act of 1791, when not any allotments had been made, they would have had complete power over by far the largest portion of the fund, which now, from their having failed to exercise that power, had accidentally, as it were, passed out of their hands. The noble Earl, referring to a most delicate question of colonial policy, had said that he thought it would be better to abolish altogether the power of the Crown with regard to the colonial Parliaments than to exercise that power upon principles adverse to the Throne and to the Church. The noble Earl, however, seemed to forget that the main object of that power was, not to enable a Colonial Secretary to interfere with Acts respecting domestic affairs to be passed by the colonial assemblies, of which on English principles we might not wholly approve, but to enable him to decide whether such Acts did or did not affect the Imperial interests—whether they were or were not strictly confined to the internal affairs of the colony. He (the Duke of Argyll) maintained that that power should be exercised entirely upon this principle—namely, that of deciding, not whether, in the opinion of the Home Government, the measures proposed would conduce to the internal welfare of the colony, but whether they affected the imperial interests, or the connexion between the mother country and her colonies. The present Government, when they came into power, felt that they had but one of two courses to pursue—they might maintain intact the existing system without any alteration whatever, or they might abandon the clergy reserves into the power of the colonial assembly, leaving them to deal with the question as one of purely internal concern. The late Secretary for the Colonies (Sir John Pakington) had indeed taken neither the one nor the other of these courses, but had expressed his opinion that the Imperial Government ought from time to time to reconsider the distribution of these funds. Now, did the right hon. Baronet, before he penned that despatch, consider the state of our great Canadian possessions? During the last ten years the population of Upper Canada had increased, he believed, at the rate of about 50,000 a year, and the total population had been more than doubled. Was it possible that the Imperial Government should have taken upon itself the task of reconsidering from time to time the distribution of these funds, and the various proportions in which they should be distributed among the religious bodies of Canada? He thought it impossible that such a course could have been taken with satisfaction either to this country or to the Colonies. They must take one course or the other. They must either maintain intact the existing system, abandoning altogether the half-promise held out by Sir John Pakington) or they must give over to the Canadas, as a question of merely internal concern, the distribution of these funds according to the changes of the population. The noble Earl had dwelt upon the fact that in the divisions which took place, and ended in considerable majorities in favour of giving to the Canadas entire power over the clergy reserves, only a small portion of those majorities consisted of members for Upper Canada; and that during the course of the debate the members from Lower Canada, representing Roman Catholic interests, were disposed to treat with hostility the Protestant endowments of the western Province. He (the Duke of Argyll) wished to direct the attention of the noble Earl to the following statement in the memorial of the Bishop of Quebec, whom the noble Earl would probably acknowledge as a good authority on this subject:—

> "Your Excellency's memorialist believes himself to proceed upon correct information when he states that the members generally from Canada East are understood to have regarded the question as one proper to Canada West, on account of the greater stake there existing in the reserves, and the far larger proportion of Protestant inhabitants, and, by consequence, to have simply followed the majority of voters from that section."

So that the majority of members from Lower Canada, as stated by this great Protestant authority, had voted, not against the interests of the Protestant clergy, not from any feeling of rivalry of any kind, but solely because they had thought it their duty to support their brethren of the Upper Province. If this statement of the Bishop of Quebec was true, as regarded the motives which influenced the members from Lower Canada, it would appear that if a change of opinion should take place among the representative body in Upper Canada, the members from the Lower Province would support the majority, and would not interfere to disturb the Protestants of the Upper Province in those endowments which they possessed. He was confirmed in this impression by a portion of the speech of the noble Earl. It was perfectly true that a large proportion of the property, or, as it was called, the endowment of the Roman Catholic Church in Lower Canada, would be as accessible to the Canadian Legislature as the Canadian reserves of the Protestant Church. But observe the effect of this. The consequence would naturally be, that there would be great anxiety on the part of the Roman Catholic members to oppose what the noble Earl called the secularisation of those reserves, from a feeling that if they were secularised there would probably be a great desire to put the Roman Catholic endowment on a different footing also. Therefore he maintained that, if the opinion of a majority of the Protestant inhabitants of Upper Canada should be to maintain the reserves intact on their present footing, or if it should be in favour of a redistribution of the reserves in certain other proportions, but still confined to purely religious purposes, it was extremely probable they would be supported in resisting the secularisation scheme by the Roman Catholic representatives of the Lower Province. The noble Earl had commenced his speech by saying that the measure in question was not one which he would have expected from certain members of the present Government, though he might have expected it from another portion of it. It was perfectly true that Her Majesty's Government did contain members of the Church of England, and one, at least, of the Church of Scotland, all sincerely attached to the religious bodies to which they severally belonged; but he held that it was no shame to them as public men that in the consideration of questions of Imperial policy they did not feel it to be their duty to act as churchmen merely, but as statesmen who were intrusted with the great responsibility of advising the Crown with respect to the principles on which the connexion between this country and Canada should in future be maintained. He had no hesitation in declaring his opinion, as a member of the Church of Scotland, that the interests of that Church in Canada, whatever they were, must be represented only by their own local members, and that he did not consider it to be his duty as a public man, merely because he happened to be a member of that Church, to act on his own opinion of its interests in connexion with the internal affairs of Canada; on the contrary, he held it to be his clearest duty to agree to the measure proposed by Her Majesty's Government, being convinced, as he was, that not only with respect to Canada, but with respect to all our Colonies, the principle on which we must in future proceed was simply this—that in all matters of purely internal concern—the more, and not the less, in all questions which gave rise to religious animosities in the Colonies—the colonial legislatures must be left to deal with them as they thought fit; and that the power of the Crown to review the colonial acts should not be (as suggested by the noble Earl) recklessly thrown away, but maintained solely with the view of enabling the Crown to judge in each particular case whether those acts were matters of local or imperial concern.

The EARL of DESART said, it was shown in a despatch which would be laid that night on the table of the other House, but which was not sent to the colony owing to the change of the Government, that his right hon. Friend (Sir J. Pakington) fully acknowledged the justice and propriety of that principle of constitutional government which gave to a colonial legislature the exclusive power of dealing with its own local affairs; but his right hon. Friend said in this case there was an exception, because it appeared there was an intention of taking funds which he considered the British Legislature was bound in good faith to maintain in favour of certain vested interests. There was a very serious opinion prevailing in this country, that, in opposing the wishes of the Legislature of Canada, we opposed the unanimous wishes of the Canadians. He (the Earl of Desart) did not think that was so. On the contrary, excluding Lower Canada, which he maintained he had a right to do, seeing that though there was a small portion of the reserves in Lower Canada, the Roman Catholics were in such a large majority, something like 750,000 to 50,000 members of the Church of England—it was quite impossible that their members could represent anything but the Roman Catholic religion, which was embodied there in a richly-endowed Church, and a well-educated priesthood. But in Upper Canada how stood the fact? He had not had an opportunity of analysing the figures, but he could state, on the authority of Archdeacon Bethune, that in the Assembly of Upper Canada there was only a majority of one in favour of the abrogation of the settlement of 1840. He (the Earl of Desart) would say, in conclusion, that he thought this was a question in which the British Government were bound by considerations of good faith to protect and guarantee a settlement made by them, on the suggestion of the Canadians themselves, and not only made, but accepted by the Canadians as a final settlement.

The BISHOP of EXETER said, that he had had, in the early part of that discussion, no intention of trespassing upon their Lordships, more especially after he had heard the admirable speech of the noble Earl opposite. The noble Duke near him (the Duke of Argyll) had, however, done him the honour to make some reference to a speech which he (the Bishop of Exeter) had addressed to their Lordships some time ago, and he therefore wished to make some observations upon one or two remarks which fell from the noble Duke. It was flattering to him to be quoted by the noble Duke, but he hoped he should obtain forgiveness if he ventured to express a hope that the next time the noble Duke did him the honour of quoting from any address of his, the incorrectness in stating his (the Bishop of Exeter's) views should be somewhat less marked than it had been upon that evening. The noble Duke had stated that if a measure had been proposed for redistributing the clergy reserves in Canada, it would have met with just as much opposition as the present measure seemed likely to excite, and that he had no doubt that the right rev. Prelate who had on a former occasion said, "Will you dare to commit so gross an act of sacrilege as to touch those reserves?" would have been one of the loudest in his opposition. He (the Bishop of Exeter) was sure their Lordships would recollect that he had applied no such word as "sacrilege" to the "redistribution" of those reserves;—but he did apply that term to the "confiscation" of the clergy reserves; and he would again ask if the British Parliament would consent to any measure for such a purpose? He would still continue to apply the word sacrilege in the same way in which he had on a former occasion used it, because he held that money once devoted to the service of the Almighty could not be torn away from the sacred purpose for which it had been given without incurring the guilt of sacrilege; but it was not to be inferred from that that he was not ready to acquiesce in a measure for the redistribution of the Canada clergy reserves. He might resist such a measure, but certainly not upon the grounds of its being a sacrilege. A breach of faith he should consider it, and a violation of the coronation oath; but most certainly not an act of sacrilege.

The Duke of ARGYLL begged to apologise to the right rev. Prelate for having misrepresented his meaning, but he certainly had understood him to say that he would have considered it sacrilege to take away any portion of the money which had been given to the Church of England.

The Bishop of OXFORD said, he should have been well content to wait for the opportunity which would be afforded them for the future discussion of this important question under ordinary circumstances; but in the present state of this question, and considering the effect which this discussion would have out of doors, he felt that it ought not to go further without his raising his voice upon it—he felt it was impossible for him not to give utterance to the conclusion at which he had arrived upon it after a very careful investigation of the matter. He had taken for many years a very deep interest in the welfare of the Colonial Church, and he had consequently been led into habits of personal intercourse with the right rev. Prelates at the head of the Church in Canada. It was with no small pain, therefore, that he found himself upon this occasion obliged by a sense of justice to come, upon this great question, to a conclusion the reverse

of theirs. But, as he had been brought to this conclusion, he thought it due to the public to state that such was his opinion, and briefly to state the reasons why he had formed it. The first, the chief, and indeed he might say the whole consideration which had brought him to this conclusion was this—that in answer to the Parliament of Canada, requiring not the confiscation of the clergy reserves—far from it, as he should presently show—but calling upon the Imperial Parliament to give them the power of dealing with them, he thought that a claim of justice was involved; and if he was right in supposing that a claim of justice was involved, then no views of expediency as regarded any religious body should with him ever stand in the way of its acknowledgment. He thought there was a claim of justice, and that this claim could be stated in a few words. The British Legislature had given, or professed to have given, the Canadians the power of settling their own internal affairs. They had given them a responsible Ministry. What, then, was the meaning of this boon if, on matters affecting the internal concerns of the colonists —in which, probably, the opinions of the Imperial Parliament would lie one way and the opinions of the colonial Parliament the other—they did not allow the Colonial Parliament, and not the Imperial Parliament, to settle the question, provided they did not touch imperial interests, or subjects upon which the Imperial Parliament itself was precluded from legislating? He said that if that was the position in which they stood, they were bound in justice to admit their claim when they made it, unless you can show that it is a question of imperial interest, or a matter so reserved that it cannot be touched, even by the Imperial Parliament itself. If they had made over all that is not Imperial to the settlement of the Colonial Parliament, they must allow them, on every separate point, to decide, unless they could show that the Imperial Parliament itself was precluded from legislating on the matter. Now, was the Imperial Parliament precluded from legislating on this subject? The noble Earl, with his masterly power of eloquence, and his surpassing skill in putting a case plainly and strongly, so as to carry it home to the convictions of every one who heard him, had argued in favour of maintaining intact the endowments of the English Church. Now, he (the Bishop of Oxford) went entirely along with the noble Earl in his desire to effect that object, if it were at all practicable; but he was of opinion that the argument of the noble Earl would not at all hold good, and, therefore, much as he desired to arrive at the same conclusion as the noble Earl, he felt himself driven, as an honest man, and by the process of his understanding, to adopt an opposite conclusion. The noble Earl had rested his case on two principles. The first was, that the Imperial Legislature of 1791 had so completely dealt with the question that it was not just afterwards to legislate upon it; because, in point of fact, the property was so alienated to the purposes of the Church that it could not afterwards become a subject of legislative interference. Now, he (the Bishop of Oxford) maintained that the very words of the Act of 1791 itself, allowing interference "from time to time," was utterly inconsistent with that conclusion. The noble Earl had quoted the opinion of the Judges to strengthen his conclusion on this point; but he begged their Lordships to remember that the opinion of the Judges was given, not as to what was the abstract right of the property as a subject of legislation, but as to what was the particular power of the Colonial Parliament under the existing legislation. Now, that entirely changed the aspect of the case, and took away the whole force of the noble Earl's argument as drawn from the legislation of 1791—because at that time, as the law then stood, the Imperial Parliament could deal with it, the Colonial Parliament could not. But by a recent dealing, they had put the Colonial Parliament in the same position in which the Imperial Parliament was then. In 1840 both Houses of Parliament at home, and the Crown, had assented to an Act which, according to the noble Earl's argument, was spoliation and sacrilege. The noble Earl held that in 1791 the reserves were so entirely set aside for the benefit of the Church of England, or "the Protestant clergy," that it was not competent now to deal with them. If this were so, the 1,369*l.* per annum which was given to the Roman Catholics in 1840 was a most direct act of spoliation and sacrilege, according to the right rev. Prelate (the Bishop of Exeter). He contended, then, that the legislation of 1840, to which the right rev. Prelate was an actively assenting Member, cut down altogether the argument that the legislation of 1791 had so dealt with the property that it could be a subject of legislative interference no more. But the noble Earl said, that the Act of 1840 did so guarantee the property that that legislation, at all events, was final, and that they had no right to deal with it any more. He (the Bishop of Oxford) perfectly admitted that certain strong language was used as to the Act of 1840 being a final settlement; but what great question had ever been settled by Parliament of which some sanguine men had not dreamt that the settlement was final? Only a few years ago the finality of reform was preached in the other House of Parliament as a reason for agreeing for a Reform Bill which had proved anything but final. Was not that always the case? He confessed that, on principle, he entertained great apprehensions when he heard the words "finality" and human legislation come together. Finality with reference to distinct principles of right and wrong, and finality with regard to different interests and questions of expediency, were very different things. Human legislation must be widely different from what it was at present when we should be able to argue backwards, that because some sanguine legislator had declared a measure to be final, therefore all future legislation on the subject must be impossible and unjust. It appeared to him that legislation could only be final in a case such as this: when two independent parties, each of whom had the right of dissenting, agreed upon a common conclusion, which would take from one of the assenting parties the right of dissenting or of resuming his position in future; such a case, for instance, was that of two independent legislatures agreeing to an act of union, where one of the assenting parties was by that act put in a different position from what it occupied when the compact was entered into. But was there anything of this sort in the legislation of 1840? He was astonished when he heard people say that the legislation of 1840 was to be final. If the legislation of 1840 had been only upon general principles, as opposed to considerations of right or wrong, final, then it came into the category of all human legislation, and must be revised. He contended that it had always been so understood by the members of our own Church; and this was proved by the application which had been made by the Bishops of Quebec and Montreal for changing the rectories of those countries, which involved an entire alteration of the Act of 1840.

That was a good alteration, he admitted, but still it was altogether incompatible with the argument that the Act of 1840 was a final arrangement. And then consider for a moment what he had already alluded to—the despatch of the late Colonial Secretary (Sir John Pakington). One part of this subject had not, he thought, been fully brought out; it was this—if the measure of 1840 were a final settlement at all, it was a final settlement of that which from 1823 to 1840 had been disturbing and tearing into pieces the colony—and what was that? It was the question of the degrees and proportions in which the property should be distributed among the different religious teachers. If the Act of 1840 was to be final, it was to be final on the subject matter to which it related, and that matter was the partition of the common sum among the various recipients. He came to the conclusion, then, that neither by its original constitution, nor by its understanding as tested afterwards by different parties, was there anything more than the natural hope of settling long disputed quarrels, to give to the Act of 1840 any title to be considered as a final legislation upon the subject. If that were the case then, the question returned again—what was there to justify Her Majesty's Government in saying to the Canadian Legislature that they would reserve this subject when they had professed to leave to their own control all subjects of internal legislation? It was upon this principle that his mind had been made up. He granted that there were risks in giving this, as there were in giving any power to any set of men. The risks might be great, and involving various interests; but one thing was dearer to him than any such considerations—that was to do justice; and, even in this highest subject-matter, he would say, *Fiat justitia, ruat cœlum.*" But there was another consideration, and he said that there was in the whole treatment of this question another difficulty. They were told, "then you really are going to agree to a confiscation?" He owned to no such thing. If the question were proposed, "Will you vote for secularising these reserves? no voice should be more distinct, no vote more emphatic, than the negative which he should give to such a proposition. He knew very well how that might be taken advantage of in debate. He knew it might be said, as it had been said, that if you gave to a man who was going to do an evil deed the power of doing it, you did it yourself; and that if you lent a man a knife to commit a murder, you became a guilty participator and accomplice. His right rev. Friend (the Bishop of Exeter) would pardon him if he thought the argument illogical and the illustration bad. The argument was illogical, for it turned altogether upon a double use of the word "power." If we had already given to the Canadian Legislature the right to deal with this question when they asked it, and they came and asked it, we did not now give them the power; it had been given them already when we gave them the right which he now contended for. He thought that the illustration also was bad, and that the true illustration was this:—He would suppose one who had committed to him the guardianship of a minor with large estates; that he had faithfully nursed those estates; that his ward at last reached his majority; and that he saw in his ward's character certain evidences, that as soon as he obtained possession of his estates he would recklessly squander and dissipate them, and that in courses which would bring misery and sorrow to himself. The guardian said, "What am I to do to prevent such a result? If I make these estates freely over to him, he will dissipate them. What I do by another I do by myself, and I shall be guilty of their dissipation." Was he, therefore, to withhold these estates? The true way in which he should act was this:—He should say, "I will use all legitimate means, all affectionate influences, all wise advice to counsel him on his conduct, but I will be guilty of no act of injustice. I must conceal no deed, and must hide nothing which will give him immediate possession of his lawful rights, because I foresee that if he gets them he may injure himself in the use which he will make of them." Now, here was the application:—We had given a majority to our colonies. We felt that if we allowed them to exercise the privileges of one of age, they would use them to their own injury. Then, he said, let us do all that in us lay by affectionate advice and wise counsel to prevent that abuse; let us give them their power in such a way as that they would be the least likely to abuse it; let us accompany the gift by everything which wisdom could suggest to prevent the evil we feared; but let us not unjustly withhold, through our apprehensions, that which they had already a right to enjoy. This was the principle which should guide his judgment. He was anxious to suggest, however, to the Government, one safeguard which violated no principle. He meant that the power which we were about to give to the Canadian Parliament to deal with this matter might most justly be reserved in its operation until the election of another Parliament, which would know practically that it was about to deal with this question. He felt convinced that nothing could be so injurious to that religious body of which he was, he trusted, a faithful, certainly a devoted member—that nothing could be so fatal to its interests in the colonies as to separate it by our legislation from colonial interests, and to lead it to ally itself and to trust to strength ministered to it from home. He wished to allow our Church in the colonies a large liberty in spiritual matters—a liberty as large for all the arrangements of its internal concerns as was compatible with its connexion with the Church at home. He held that he should be one of the most inconsistent of men if, having condemned altogether the opposition which was made in the last Session of Parliament, by the then Secretary of State for the Colonies, to any attempt practically to give that power in spiritual things to the colonies, he now joined in the cry that, in giving a parallel power in matters temporal, we were doing anything short of a direct act of justice. He did not undervalue what the evil would be if this property were ever secularised. He clearly saw the exceeding importance to a country like Canada of maintaining intact such a reserve for the payment of its religious teachers. He saw plainly that the consuming of such a reserve upon mere secular matters would be a degree of folly which would be barely equalled by consuming the seed corn of a colony, which could alone reproduce its future nourishment. He had, therefore, the strongest hope, if the colonies were only generously dealt with, that we should see no such confiscation of the clergy reserves; nor could he make his consent to this measure depend upon such a possibility, because he relied upon the bare claim of right and justice; but the way to prevent the colonies behaving in that foolish manner with their property was to treat them in a confiding spirit at home. The noble Lord the late Under Secretary for the Colonies (the Earl of Desart) had argued as if there was no doubt that the Canadian Legislature intended to secularise this property the moment they obtained the power. But why suggest to them that which was evil? On what ground did the noble Earl say that? Because they had refused the offer made by the Imperial Parliament to reconsider this question from time to time. That was a ground which was given to them in that House; but it was not the ground which was given by themselves. On the contrary, they said, "What we want is, not that you and the Imperial Parliament should from time to time reconsider, but that you should give us our right to consider it for ourselves, and then we will do that which is just." So far was the question of the clergy reserves being a settled question, that the Wesleyan Conference in Canada had considered the question *more suo*, and had come to the conclusion unanimously that it was not a denominational but a provincial question, and, therefore, without at all committing themselves as to what they would do with the allotment if they got the power, they would join unanimously in seeking to get the power, because it was the right of the province to have it. It should be observed that the great estates of the Roman Catholic Church in Canada were held by a title which was not more secure than that which the Protestant Church had to the clergy reserves; and upon giving the colonial legislature the power to deal with the latter, what would be more likely than that we should unite the two bodies whom circumstances had separated? By giving them a common interest they might be got to act in common. He must say that it could not be hoped that the Protestant Church of England would flourish in Canada so long as the people of that country were led to believe that, against their will, this Church was supported in its exclusive privileges by a majority in the British Parliament. He said, and he said it solemnly, that he believed our colonial Church had a great work to do in this world. He believed that with the spread of our nation, of our language, of our institutions, and of our blood, we had the charge from God of carrying the purest form of His revealed Church throughout the whole world. He believed, above all things, that it was essential to him as a member of that Church that he should do what in him lay to free her from any fetter which could impede her spiritual action and disable her from her high emprise. He believed from experience, as he believed from theory, that to represent to our colonies the Church as an endowed section, maintained from the mother country in hostility to their own feelings, was, of all ways, the most certain to deprive her of her utility. He believed it was established as a matter of demonstration to any fair man, that nothing could be so fatal to the Church in the colonies as that sort of treatment at home. He believed they would find, that so long as the Church in what was now the United States was taught to depend upon the support which it received from the Parliament at home, so long it was weak spiritually, and distrusted by the population, and timid and fearful in itself. But, so soon as it was set free, it began to regain its vigour. The strange argument which had been employed by his right rev. Friend from the facts connected with the endowments of the Church in the United States, seemed to him to tell with overwhelming force in the opposite direction. There were continued attempts to upset these endowments so long as they depended, not upon the affections of the people, but upon the British Parliament; but when the question of those endowments became no longer a matter of provincial right, but of spiritual expediency, those States did preserve—to their honour be it spoken—those endowments. He saw no reason whatever to doubt (if the minds of the people of Canada were not already too much alienated by our legislation) that they would follow the wise example which had been set by the people of the United States, and that, having received a just power, they would deal with it righteously and wisely.

The BISHOP of EXETER said, that what his right rev. Friend had said of his (the Bishop of Exeter's) having supported the measure of 1840 was not only not true, but was quite contradictory to the truth. Grateful as he was, therefore, that his right rev. Friend (the Bishop of Oxford) should do him the honour to quote from him, he should feel obliged if, upon another occasion. he would take the trouble to quote correctly. There might have been more than one division, certainly, and he could not charge his memory with all that took place; but this he remembered perfectly, that so far from assenting to that measure, he had done his utmost to oppose it, and in Committee he had moved the insertion of the word "Protestant" for the very purpose of preventing that which his right rev. Friend had charged him with desiring to effect. Upon that occasion he had even gone so far as to divide the House, but he had been beaten. His right rev. Friend had objected to his illustration, and had favoured their Lordships with what he called the "true illustration." Upon that subject he left the two before the House; but he would venture now to suggest some little fallacy in the illustration which his right rev. Friend had employed. He said that the case was as if he were trustee for a minor, and, though he saw that the minor would dissipate all his fortune, yet he must give him up his fortune when he became of age. But the real illustration would have been, that there should be a reserve in the trust to the effect that he should have the enjoyment of the estate upon the payment of certain charges for the benefit of the Church in his parish. Would his right rev. Friend say that he was to dispense with that condition, and allow the minor to neglect altogether that reserve? His right rev. Friend contended that we had already conceded to Canada the right of legislating upon all domestic matters; but, if so, and this Bill came within that category, whence was the necessity of introducing it in the Imperial Parliament? It was because the right was withheld that their Lordships were called upon to consider the whole question; it was because the colonial legislature had not had these reserves surrendered to it, that their Lordships had still to consider whether they would surrender them to it. Then, again, his right hon. Friend had told them, that if Parliament treated the colonial legislature generously, they would behave generously and justly. But how had this liberal colonial legislature behaved already? There was a college in Canada, founded and endowed by the British Government, and it was the earnest desire of William IV. that there should be instituted a Professor of Divinity in that college. What had become of that endowment? Why, the very liberal local legislature had swept away the whole of it, had prohibited religious instruction from being given within the walls of the college, and had even made ineligible as members of the governing body any minister of religion.

LORD REDESDALE rose to order. The right rev. Prelate was going far beyond the limits of explanation. It was quite contrary to the rules of the House to introduce new matter in explaining that which had been misunderstood by previous speakers. If irregularities like these were permitted, there would be no end to their Lordships' debates.

The BISHOP of OXFORD, for his part, did not mean to violate any of the rules which regulated their Lordships' debates; but he had to call upon his right rev. Brother of Exeter for an explanation. Their Lordships need not apprehend that this demand for an explanation would involve a hostile meeting; but, all a churchman's humility of mind, all a Bishop's meekness of spirit made allowance for, he must really put it to his right rev. Brother, that it was not agreeable to hear it roundly stated that what one had said was not only not true, but was wholly contradictory to truth. He would really suggest that such phrases as these had better not be bandied about. He was quite aware that his right rev. Brother had divided the House upon the word to which he had referred; but there was much in the measure which his right rev. Brother should, on the same principle, have resisted, but which he had not resisted, either by vote or by protest.

The BISHOP of LONDON said, that if ever there was a question on which finality ought to be observed, it was the measure which assigned to the Protestant clergy in Canada these reserves. At that hour he would not trespass long on their Lordships' time. The simple proposition on which he proceeded was, that the Canadian Legislature had no right whatever to deal with the property of the Church in Canada. Such a right was never given to that legislature; on the contrary, the maintenance intact of these clergy reserves was one of the conditions of the Canadian constitution conceded by this country. Were Canada to become independent, the question might assume a different form; but so long as its dependence on this country subsisted, that condition would subsist also. His right rev. Friend had spoken of the secularisation of the property under the proposed change as a far remote contingency—a vision: but he must confess, after maturely considering the history of the proceedings of the colonial legislature, that such a result appeared to him by no means a vision, and anything but remote. He would quite as soon trust to the Canadian Legislature the disposal of the clergy reserves, with the notion that it would deal generously with them, as he would trust the lamb to the wolf. Assuredly, if the language of his right rev. Brother of Oxford were based on truth and justice, he did not see on what grounds any Church endowments could be maintained. With slight variation, the arguments of his right rev. Brother applied to the case of Churches nearer at home. It appeared to him (the Bishop of London) that the clergy reserves of Canada were a sacred trust placed in the hands of the Imperial Parliament; and that to permit the alienation of any portion of that fund, more especially at a crisis like the present, would be a criminal abandonment of that trust, a flagitious violation of a sacred compact. As he looked upon the property placed in the hands of the Church at home as a trust reposed in her for the diffusion of the light of the truth through the two kingdoms, so he recognised the property given to the Church in Canada as being the means to enable her to disseminate Christianity through that colony, and he should feel that he was weakening the hands of those who preached the gospel were he to consent to this measure. Consider the state of things in Canada; look at the tide of civilisation flowing thither year after year, at its accession of immortal souls year after year, numbering in each twelvemonth, he believed, not fewer than 50,000. What would become of this great population without spiritual instruction? And whence was it to derive spiritual instruction, except from the provision set apart in these reserves? Was England, then, after all, to stand alone in withholding from her distant dependencies that support which every Christian nation in the world deemed it a sacred duty to supply to those of its subjects who had left its shores for distant provinces within its realm? No colony, no dependency of France, with all her faults and with what he thought her erroneous religion, was left unprovided with a bishop and clergy of her National Church. Was it to be the reproach of England, that her dependencies alone were to be deprived of this consolation and support? It was only wonderful how much the clergy of Canada had done with the miserable pittance placed at their disposal; a pittance which, were it equally divided among the 550 parishes of the province, would give to each clergyman no more than 75*l*. per annum. There was no doubt that since 1840, when this question was thought to be finally settled, the Church in Canada had greatly progressed, and agitation against it greatly diminished, many had come within her pale—a result attributable to the indefatigable energy of our clergy, and to the admirable manner in which their very limited resources had been husbanded and applied to the best possible advantage. Now, however, they were proposing to take away these resources from those who were not independent of them, and who without them did not posses the means of disseminating the gospel. Earnestly, then, would he oppose any measure which went to deprive this valuable branch of our Church of means with which so much good was effected; a measure, too, which could only be justified upon principles which had been universally and most properly condemned, the principles of temporal expediency.

The DUKE of NEWCASTLE said, that having so lately addressed their Lordships on this question, and having, as he anticipated, at no distant date, to address their Lordships, probably at some length, in explaining the measure which the Government had prepared on the subject, he should not have thought it necessary to go into any explanation of the Bill on the present occasion; and especially should he have deemed this unnecessary after the eloquent and powerful speech of the right rev. Prelate who had spoken last but one (the Bishop of Oxford), and who had supplied such cogent arguments for passing the measure about to be proposed to their Lordships. He should, then, have been well content for the present, to let the matter rest, had it not been for some observations which had fallen from the right rev. Prelate who had last addressed the House, and which appeared to him calculated to produce an erroneous impression out of doors, if not upon the minds of their Lordships. The right rev. Prelate, combating the opinion that the Canadian Legislature had a right to deal with these reserves, contended that no such right could exist, because, as he said, it was an essential condition to the Canadian constitution that these clergy reserves should be maintained intact. Now, on reviewing the whole history of this question, outlined by the noble Earl opposite, from 1775 to the present time, he (the Duke of Newcastle) had been wholly unable to trace any such condition. On the contrary, it appeared to him, at every stage of the case, perfectly clear that no such condition existed, or could be established. How stood the Act of 1791? Was there any condition imposed by that Act that these clergy reserves should be maintained inviolate? Quite the reverse; the 41st clause of that Act specifically vested a power of an alteration in the hands of the colonial legislature. Again, how stood the Act of 1840? And here let him correct a fallacy, which had been put forward elsewhere by his right hon. predecessor in the Colonial Department (Sir J. Pakington), and again that evening in their Lordships' House—the fallacy, namely, which mixed up together the Canadian Clergy Reserves Act of 1840 with the Canadian Union Act of the same year as measures passed conditionally the one upon the other. Now, the Clergy Reserves Act of 1840 was as utterly distinct from, as utterly unconnected with, the Canada Union Act of 1840, as any two distinct things could be. It had been represented by the right hon. Baronet that there was a kind of bargain and condition when the union of the two provinces took place in 1840, that the Clergy Reserves Act should be passed to secure the Protestant Church. Now, not only was there no such condition or arrangement, but, in point of fact, the Canada Union Act was passed quite at the commencement of the Session of 1840, the Canada Clergy Reserves Act quite at its close, and in consequence of the failure of a measure which had been sent over from Canada on that subject. The right rev. Prelate (the Bishop of London) declared that he had no faith in the generosity of the Canadian Legislature; and that, judging from all experience, he would as soon trust a lamb to a wolf as these reserves to that Legislature. He was very sorry that the right rev. Prelate should employ such strong language, for phrases like these from such lips had a tendency to produce thier own fulfilment, as a natural effect of the irritation of those against whom the imputation was directed He knew not on what fact the right rev. Prelate based his opinion; but he should, on the proper occasion, be provided with documents to prove that, so far from its being the fact that the Canadian Legislature was antagonistic to the maintenance of our Church, it voted annually a considerable sum for the support of a college established, not merely for the education of members of the Church of England, but for the training of clergymen of the Church of England. He contended that we ought to discard the whole question of probabilities, and deal with the question of right, which he considered the right rev. Prelate near him (the Bishop of Oxford) was correct in saying belonged to the colonial legislature. The noble Earl opposite (the Earl of Derby) had cheered the right rev. Prelate when he said that sooner than place in the hands of the local legislature the power of dealing with these reserves, he would prefer that Canada should be altogether independent—

The Bishop of LONDON had said no such thing; he had merely argued that not until Canada was independent could this power at all fairly fall within the scope of its Legislature.

The Duke of NEWCASTLE begged pardon if he had misunderstood the effect of the right rev. Prelate's observations; but, at any rate, the noble Earl opposite distinctly said that he would sooner see Canada become independent of England, than see this right surrendered by the Imperial Parliament.

The Earl of DERBY must correct the noble Duke's misconception. What he had said was, that he would rather see Canada, as an independent State, avowedly exercising this right, than see a Minister of the British Crown, professing responsibility in the matter, handing the power over to a dependent Legislature.

The Duke of NEWCASTLE, said, that the explanation of the noble Earl seemed to him a distinction without a difference. He would not, however, on the present occasion detain their Lordships with any further discussion of the subject; but, strongly protesting against the charge of spoliation or sacrilege—strongly maintaining that the proceedings of the late Government left the fact of the non-finality of the Act of 1840 clearly established—he would sit down, trusting that, on the proper occasion, he should be able fully to justify the measure which Her Majesty's present Government had prepared on this important subject.

Petition to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 28, 1853.

Minutes.] Public Bills.—2° Slave Trade (New Granada); Slave Trade (Sohar, in Arabia); Commons Inclosure (No. 2).

CLITHEROE ELECTION COMMITTEE.

Mr. MILNES GASKELL, the Chairman of the Clitheroe Election Cammittee, appeared at the bar and reported, that the Committee had unanimously determined that Matthew Wilson, Esq., was not duly elected a Burgess to serve in the present Parliament for the Borough of Clitheroe; that the last Election for the said Borough was a void Election; and that the Committee had unanimously agreed, that the said Matthew Wilson, Esq., was, by his agents, guilty of bribery and treating, at the last Election for the Borough of Clitheroe, but that it was not proved that such bribery and treating had been committed with the consent or knowledge of the said Matthew Wilson, Esq. The Committee also reported that it appeared that extensive and systematic treating, together with other corrupt and illegal practices, prevailed at the last Election for the said Borough; that violent and tumultuous proceedings appear to have taken place at the said Election, and that hired bands of men, armed with sticks and bludgeons, were introduced into the said Borough for purposes of undue influence and intimidation.

Report to lie on the table.

FROME ELECTION COMMITTEE.

Mr. G. A. HAMILTON, the Chairman of the Frome Election Committee, appeared at the bar and reported that the Committee had determined that Colonel the Hon. Robert Edward Boyle, having at the time of the last Election held an office of profit under the Crown, created since the 25th day of October, 1705, is not duly elected a Burgess to serve in this present Parliament for the Borough of Frome; that the Election for the Borough of Frome is a void Election.

BRIDGENORTH ELECTION COMMITTEE.

Mr. BOUVERIE, the Chairman of the Bridgenorth Election Committee, appeared at the bar and reported that the Committee had determined that Henry Whitmore, Esq., is duly elected a Burgess to serve in this present Parliament for the Borough of Bridgenorth; that Sir Robert Pigot, Bart., is not duly elected a Burgess to serve in this present Parliament for the Borough of Bridgenorth; that the last Election for the said Borough is a void Election, so far as regards the return of the said Sir Robert Pigot; that Sir Robert Pigot was, by his agents, guilty of bribery at the last Election; that it was proved to the Committee that Joseph Mason was bribed with the payment of 10*l.*, but that it was not proved that such bribery was committed with the knowledge or consent of Sir Robert Pigot; that the Committee have ordered that all costs and expenses incurred by reason of such unfounded allegations shall be paid by the petitioners and their sureties to the said Henry Whitmore, Esq.

EXCHEQUER LOAN FUND.

MR. RICH said, he begged to ask the right hon. Gentleman the Chancellor of the Exchequer what course he proposed to pursue with regard to loans issuable by the Exchequer Loan Commissioners Act, 57 *Geo.* III., cap. 24; also, whether any portion of the 633,000*l.* which, from a return from these Commissioners, appears to be the amount of interest on the repayment of loans estimated as likely to accrue in 1852, will be applied to the liquidation of the public debt, in the event of a diminution or cessation of such loans ?

The CHANCELLOR OF THE EXCHEQUER said, that the question which had been put by the hon. Gentleman divided itself into two parts; the latter part of which, perhaps, he had better answer first. It was, "whether any portion of the 633,000*l.* which, by a return from these Commissioners, appears to be the amount of interest on, and repayment of, loans estimated as likely to accrue in 1852, will be applied to the liquidation of the public debt in the event of a diminution or cessation of such loans ?" And the former part was, "what course the Government proposed to pursue generally on the subject of loans under the Exchequer Loan Fund Act ?" In the first place, with regard to the application of the sum of 633,000*l.*, and of all the repayments of the Exchequer Loan Fund, as they might come in, the application of those sums was already provided for by Statute, and would go forward, independently of any intervention of that House, in the regular course. There was likewise a provision by Statute for the issue, subject to the discretion of the Government, of the sum of 75,000*l.* per quarter for the purposes of the Exchequer Loan Fund; and the idea upon which that sum was fixed was that it would balance the average repayments. The provision made, therefore, by law at present was this : that there was power to issue 300,000*l.* annually in four quarterly payments of 75,000*l.* each, for the purpose of new advances to be made by the Exchequer Loan Fund Commissioners; and there was also a provision for carrying the repayments of the Commissioners as they came into the account of Ways and Means for the year. The repayments were going on without any intervention on the part of the Government. But at the close of the last quarter, on examining the state of the account, it appeared that the coming demands on the fund were not likely to absorb the whole amount standing to its credit, and consequently he thought it his duty to stop the payment of the sum of 75,000*l.*, which would have been carried to the credit of the fund for the last quarter. That was the only step of any kind that had been taken since he came into office with regard to the actual distribution of the fund. With regard to the general question, as to what course the Government proposed to take on the subject of the Exchequer Loan Fund, the course which he had pursued was this. It did not appear to him that the papers on the table of the House contained information sufficiently full and distinct to enable the House to form a satisfactory and final judgment on the expediency of continuing the system of the Exchequer Loan Fund; or, on the other hand, of abolishing it, as was proposed by the right hon. Gentleman opposite (Mr. Disraeli). The House was aware that the Exchequer Loan Fund Commission had been in the habit of discharging by one and the same machinery very different functions. It had been, firstly, in the habit of making loans on its own discretion exclusively, after inquiry into the merits of the applications submitted ; and, secondly, it had also been used by Parliament as an organ for issuing money under compulsion for purposes which had been called loans, but which had rather been in the nature of gifts obtained under false pretences. It had likewise been in the habit of issuing money in various modes intermediate between those two, sometimes under positive order from the Treasury, and sometimes upon the recommendation of the Treasury. And, again, it had been in the habit of issuing money from special funds appropriated for particular purposes. Now, what he had desired to be done, and what he hoped soon would be accomplished, was this : that all the transactions under each of those heads should be carefully separated the one from the other ; that a balance sheet should be prepared under each of those heads, in order that they might have the means of seeing what the Commissioners had done, whether as the organ of Parliament, or as the servants of the Treasury, or whether upon their own free discretion, or in any other capacity; and when they had obtained those returns, they would be able to see exactly the results of the transactions of the Exchequer Loan Fund up to the present time under each head. Then, he hoped the hon. Gentleman would agree with him that Parliament and the Government would be in a condition to form a judgment upon the question whether it was expedient that the system of loans by the Exchequer Loan Fund Commissioners should or should not be continued.

THE CAPE OF GOOD HOPE—KAFIR WAR.

MR. ADDERLEY said, he wished to ask a question of the hon. Gentleman the Under Secretary for the Colonies, of which he had not given notice, and therefore, if it was inconvenient to answer it now, he would postpone it till to-morrow. But his question was with reference to the intelligence brought by the *Indiana* to-day from the seat of war in South Africa. He had lately put a question to the hon. Gentleman relating to the advance of troops against a fresh tribe, a very warlike one; and the hon. Gentleman informed him that the troops had advanced to their territory, but that he did not think it was likely to lead to hostilities. Now, he wished to know if there was any further information that the hon. Gentleman could communicate to the House which would in any way give a more satisfactory account of the hostilities than the one that had appeared in the public papers of that day; and if he would also inform the House whether the extension of the war into a fresh territory was intended to be progressive, and whether the constitution which he had understood from the hon. Gentleman was certainly to go out by the next mail, would leave the conduct of the war and the defence of the frontier, the recapture of cattle, and the retaliation of depredations, to the Colony itself to maintain?

MR. FREDERICK PEEL, in reply, said, that though the hon. Member had not given him any notice of his intention, yet; anticipating that he might ask some such question, he had taken the precaution of looking at General Cathcart's despatches received that morning. The hon. Member was aware that General Cathcart went into the Orange River territory for the purpose of compelling Moshesh to pay a fine which had been imposed on him in the early part of last year by the two Assistant Commissioners (Major Hogg and Mr. Owen), in consequence of robberies of cattle and horses committed by his people. General Cathcart proceeded into the territory, and on the 13th of December called on Moshesh to pay a certain fine, which Moshesh objected to do. On the non-payment of the fine, an advance took place on the part of our troops, which terminated in an encounter, the particulars of which were accurately published in the papers of that morning. The result of that encounter, although attended with considerable loss of life to the Queen's troops, and to the 12th Lancers in particular, was the complete submission of the chief Moshesh; and, as a proof of the sincerity of his submission and of its reality, he (Mr. Peel) might mention, that the week afterwards one of the Assistant Commissioners (Mr. Owen) had an interview with that chief, who assisted him in burying the officers and soldiers killed on that occasion. General Cathcart had returned to Graham's Town; and he would read what that officer said with regard to the state of the territory in question, and the prospect of peace being re-established along the whole frontier. In a despatch from General Cathcart, dated Graham's Town, Jan. 13th, he wrote—

> "The Orange River Territory is at peace, as well as the whole extent of the frontier, 400 miles of which I have traversed on my return."

And, referring to certain terms he had offered to the chief Kreili beyond the Kei, General Cathcart added—

> "These I have no doubt he will willingly subscribe to, and I think they will complete the final accomplishment of the task imposed on me when I assumed this command: that of the reduction of the rebellious Kafirs and Hottentots, their complete submission, and the restoration of permanent peace and security to the colonial frontiers."

THE FACTORY ACT.

LORD JOHN MANNERS said, in presenting a petition from Todmorden, complaining of the evasion of the provisions of the Factory Act by certain master manufacturers, he would avail himself of that opportunity to put to the noble Lord the Secretary of State for the Home Department the question of which he had given notice. The House would remember that they had been told on the passing of the Compromise Act, as it was called, in 1850, that that Act would be received by the manufacturers as a final settlement of the question, and that its provisions would be loyally and cheerfully carried out by them. He regretted, however, to see from the last half-yearly Report of the Factory Inspectors that the evasion of the law in some parts of Lancashire and Yorkshire had lately been most systematic; and, he regretted to add, with perfect impunity. Mr. Horner, in his Report, said—

> "I regret to say that the offence of working young persons and women for a greater number of hours daily than is legal, long complained of, still prevails to a considerable extent in some parts of my district. In my last two reports I have dwelt at some length on this subject—on the wilful commission of the fraud by persons of large property—on the mean contrivances to which they have recourse in order to elude detection—and the obstacles which the Inspectors meet with, from the imperfect provisions of the Act, in their endeavours to put down an evil so great as a systematic violation of the law—one so justly complained of by millowners who are strictly obeying the Act. All that I have stated in these Reports is equally applicable to the last half-year and to the present time."

Mr. HUME rose to order, because, if this question of the noble Lord's was to merge into a statement of the case, he should ask permission to be allowed to answer it. He had a strong opinion upon this subject, and he did not think it fair that a statement of this kind should be made without any opportunity of a reply being presented.

Mr. SPEAKER said, he understood the noble Lord to be only reading an extract from a report.

Lord JOHN MANNERS said, he was merely clearing the way so as to make the question intelligible. The extract he was about to read was this:—

> "This illegal working of young persons and women will never be effectually put down without an amending Act, which shall take away the facilities for evading detection and punishment now existing, which shall make the occupier of the factory alone responsible, and which shall, moreover, inflict, as the lowest penalty, such a sum as will at least considerably diminish the gain by fraudulent working; for the shame of a prosecution appears to be no restraint on such men."

In a newspaper published in Manchester only on Saturday last, no less than seven distinct firms were reported as being charged with and convicted of evading the provisions of this Act. He begged, therefore, to ask the noble Lord the Secretary of State for the Home Department whether it was the intention of Her Majesty's Government to introduce any measure, or to take any steps whatever, for the preventing of such evasions for the future? On the part of the working people it was evident that these attempts to evade the provisions of the Act would lead to—["Order, order!"]

Viscount PALMERSTON said, the Government would see that the present Act was duly enforced; and, if it should appear that there were difficulties in the way which prevented the proper execution of the laws, it would be their duty then to consider whether, perhaps, any and what amendment of that Act could be effected.

Subject dropped.

THE SIX-MILE BRIDGE AFFAIR.

Lord ADOLPHUS VANE said, that in accordance with the notice he had given, he begged to ask the hon. and learned Attorney General whether the exposition of the law with regard to the duty of soldiers in riots or on emergencies, as set forth by Judge Perrin in his charge to the grand jury of the county of Clare on the subject of the Six-mile Bridge affair, was really the law, and whether it was in accordance with the opinions of Her Majesty's legal advisers?

The ATTORNEY GENERAL said, that in answer to the question which the noble Lord had done him the honour to put to him, he had only to say that he thought it was the duty of the Attorney General, as well as of other members of the profession to which he belonged, to take the law as it came from the Judges; and he hoped, therefore, the noble Lord would not think him inconsistent if he declined to pass any judgment upon the law as it fell from the learned Judge on the occasion referred to.

Lord ADOLPHUS VANE then gave notice that on Friday, March 4, on the Motion that the House go into Committee of Supply, he would move—"First, that the exposition of the law as set forth by Judge Perrin, with regard to the duty of soldiers employed for the suppression of riots, or on emergencies, is in direct contradiction to the instructions contained in Her Majesty's regulations for the Army, and antagonistic to the principles laid down in the Mutiny Act; second, that in the opinion of this House the soldiers of the 31st Regiment were fully justified in their conduct on the occasion of the riot at Six-mile Bridge, and are entitled to commendation for the discipline and forbearance they showed on that occasion."

THE NORWICH ELECTION PETITION.

Mr. T. DUNCOMBE said, in pursuance of notice he had given, he would now move for a Select Committee to inquire into the circumstances under which the petitions against the return of the sitting Members for the city of Norwich have been withdrawn; and that the petitions presented to this House upon the 24th day of February be referred to the said Committee.

Mr. WARNER said, he did not mean to oppose the Motion, but he wished to state, as one of the Members who had been petitioned against, that he had no acquaintance whatever with Mr. Brown, the Parliamentary agent, and was ignorant of the motives which had induced him to withdraw the petition; but he begged to state that no offer of a compromise was ever made to him, and that, had such an offer been made, it would have been most distinctly rejected.

Motion *agreed to.*

SUPPLY—ORDNANCE ESTIMATES.

Order for Committee read. On the Motion for going into Committee of Supply,

Mr. HUME said, he wished to call the attention of the House to one or two points respecting the administration of the Army, previous to Mr. Speaker leaving the Chair. In 1837 a Committee was appointed to consider the various Naval and Military sinecures, and the general pay to colonels of regiments, with a view, if possible, of putting an end to the outcries then being raised against colonels of regiments being tailors, and curtailing the vestments of the soldiers for their own profit. That Committee consisted of a great portion of the members of the present Government, and they recommended that the allowances to colonels of regiments of the line should not be less than 1,000*l.* But they made a distinction. They agreed that the regiment held by the Duke of Wellington should, in consideration of the great and glorious services rendered by his Grace, be exempt from the alteration proposed by them, and that no change should be made in the emoluments attaching to the colonelcy of the Grenadier Guards, so long as the Duke should hold the command. Agreeably to that recommendation, an exception was made in the case of that regiment and of the Coldstream and Fusileer Guards, and it was agreed that the colonelcies of those regiments should be retained as the reward of long and distinguished services. He complained, however, that the late Government had not attended to the recommendation of that Committee on the demise of the Duke of Wellington, but had conferred the command of the Grenadier and Fusileer regiments—the first valued at 3,000*l.*, and the other at 2,000*l.* yearly—upon Prince Albert and the Duke of Cambridge respectively, without any reduction of the allowances. Now, although he was willing to give all possible credit to Prince Albert, and to acknowledge that he filled the position he now held with credit to himself and advantage to the country, he thought the appointment of his Royal Highness and of the Duke of Cambridge was an interference with the recommendations of the Committee, and that he was warranted, therefore, as a member of that Committee, and the person who had moved for it, to call the attention of Her Majesty's Ministers and the House to a proceeding which was an infraction of the recommendations of that Committee. The right hon. Member for Coventry (Mr. Ellice) well recollected those recommendations, and he appealed to the right hon. Gentleman to state his opinion of them. He begged also to call the attention of the Government to another important point. No one was more anxious than himself to produce efficiency in the Army, and he had therefore for many years pressed upon the House the advisability of removing an anomaly which existed in this country as regarded the civil administration of the Army. In 1837 a Commission was appointed, of which Earl Grey, then Lord Howick, the noble Lord the Member for Tiverton (Viscount Palmerston), the noble Lord the Member for the City of London (Lord John Russell), and Sir John Hobhouse, were members; and they recommended, in page 9 of their Report—

> "1. That the greater part of the authority, with reference to the Army, which at present belongs to the Secretaries of State, should, for the future, be vested in the Secretary at War. 2. An alteration should be made in the form of the appointment of the Secretary at War:—First, that he should in future be always a member of the Cabinet. Second, that he should be the Minister by whom the advice of the Cabinet, as to the amount of the military establishments, should be laid before the King. Third, that he should be the person to consider and act on all points with the Commander-in-Chief on behalf of the Administration, and to be immediately responsible to Parliament for all the measures of the Government with reference to the Army. Fourth, that he should assume all the merely formal duties relating to the subject now performed by the Secretaries of State, such as the preparing and countersigning of military commissions, and the issuing of orders for the delivery of arms to the troops."

And at page 10 of the Report:—

> "3. The Secretary of State, to whom the civil administration of our numerous colonies, with all

their complicated interests, is intrusted, cannot possibly give the attention to the subject (amount and distribution of the Army) which it requires. 4. The Secretary at War, by whom the Army Estimates are now moved in the House of Commons, seems to us to be the person to whom the important duty of watching over the whole military administration of the country should properly be committed. 5. To give him (the Secretary at War) a direct control over those large branches of business relating to the military service of the country which are now managed by the Board of Ordnance and by the Commissariat department of the Treasury. 6. With respect to the Ordnance, we think this might best be accomplished by dividing the civil from the military duties of that department. First. The latter (the military duties) should be left, as at present, in charge of the Master General, who should exercise the same authority he now has in all matters of discipline, promotion, &c., subject only to the general orders of the Government, to be conveyed to him, as we have already explained, by the Secretary at War, instead of by the Secretary of State. Second. He should also retain under his immediate orders the Inspector General of Fortifications, and be charged with the duty of superintending the execution of all military works. 7. The civil business, on the other hand, should be brought under the more direct control of the Secretary at War, by making the board officers, by whom it is more immediately conducted, subordinate to him instead of the Master General and Board of Ordnance; so that their separate divisions of the business would become branches of the War Office, and the whole expenditure connected therewith would be provided for in the general Army estimates."

He wished to see a Minister of War who should be responsible for all matters connected with war and the defence of the country. The Ordnance expenditure amounted to no less than 3,000,000*l.* per annum, and there would be both a reduction of expense and an increase of efficiency in bringing the present establishment in Pall-mall under the control of the Horse Guards. He thought it very objectionable that the Ordnance should be kept separate from the rest of the Army, and also that the function of deciding the number of troops to be voted by Parliament should be committed to the Secretary for the Colonies, instead of the Secretary at War. All these arrangements tended to inefficiency and expense. The Secretary for the Colonies had the charge of forty-two dependencies, any one of which would be sufficient to occupy the time and attention of an ordinary man, and he could not possibly have the leisure requisite for attending to the administration of the Army. He considered that the management of the Army wanted an entire change—responsibility, economy, concentration, and individual action, and that by judicious alterations an enormous saving of expense might be effected. He wished to know whether the Government meant to carry out the recommendations of the Committee, or whether they were prepared with any other suggestions on the subject?

Mr. SIDNEY HERBERT said, in reference to the observations which his hon. Friend made on the question of fusing the Ordnance and Army administrations into one department, he would recall to the hon. Member's recollection that though a Committee had made recommendations tending to that result, and though during the several years that had elapsed Members of that Committee, whose opinions were favourable to it and carried great weight with the House, had filled various posts in the Government, and yet had not attempted to enforce the views recommended by that Committee, as also by the Commission appointed to inquire into the administration of the Army. He believed that, with the experience they had since acquired, their views had been modified in respect to the expediency of carrying out the recommendations thus made. Supposing that a separate Ministry for the War Department solely were constituted, as his hon. Friend wished, he asked how the Minister could decide what amount of military force would be requisite either for this country or the Colonies, without first of all consulting the two Secretaries of State for the Home and Colonial Departments? That seemed to be rather a question of form, therefore, than substance. His hon. Friend differed essentially from the recommendations of the Committee in one particular, because he thought that the military administration both of the Army and Ordnance should be placed in the same hands, whereas the recommendations of the Committee applied to the civil branch of the administration only. He could not give his hon. Friend any assurance under these circumstances that the Government intended to carry out the recommendations of the Committee as given in their report: for whenever the subject came to be dealt with, those recommendations would require careful revision, and the whole subject to be reconsidered.

Mr. ELLICE said, he wished to say, as his hon. Friend the Member for Montrose (Mr. Hume) had appealed to him, that when he accepted the office of Secretary at War, he had done so only on condition that a Committee should be appointed to inquire into all the emoluments of the Army. One of the reasons why he moved for that Committee was, that his hon. Friend (Mr. Hume), the late Sir Henry Parnell, and other hon. Gentlemen, used to keep them four or five weeks discussing almost every item of the Estimates, stating from other official sources very different facts from those given by the persons in authority with reference to the accounts of Army expenditure. It did so happen, and it was a very great gratification to him, that during the whole of the sittings of that Committee, composed as it was of the most eminent Members on both sides of the House, the late Sir Robert Peel, the noble Lord the Member for London (Lord John Russell), the present Viscount Hardinge, and other important personages, it was not his misfortune to differ from his hon. Friend the Member for Montrose in respect to any of the questions which were submitted to the decision of the Committee. It was owing to the inquiries made by the Committee that they had been since enabled to pass the Army Estimates in a single night's discussion. In reference to the regiments of Guards, the Committee had recommended that the emoluments of the Duke of Wellington, as colonel of the Grenadier Guards, amounting to between 4,000*l* and 5,000*l*., should not be interfered with during the Duke's lifetime. It was also agreed that the allowance for the colonelcies of the three regiments of foot guards should be fixed at 3,000*l*. for the Grenadier Guards, and 2,000*l*. for each of the other two, and that they should be reserved as rewards to be given for distinguished military services. To that proposition he (Mr. Ellice) obtained his hon. Friend's vote, and the unanimous vote of the Committee. He could not sit down without expressing his great regret at the statement just made by his right hon. Friend the Secretary at War. He knew as well as his right hon. Friend, the great difficulty of approaching the question of amalgamation of the Army and Ordnance administrations; but he told the House that, unless the question was seriously taken up, and some measures adopted which would ensure responsible control over the Army expenditure in its various branches, the House need not expect to ensure economy in the future administration of the Army. He had sat last year on a Committee for Inquiry into the Commissariat, and he found that there was an immense expenditure intrusted to the civil officers of the two branches of the Ordnance and Commissariat. It appeared that the Ordnance officers in some colonies were doing the same duty as the Commissariat, and he believed that one officer might do the work of both departments. He could not understand why this country should be called upon to pay the expense of police in Canada; for no other purpose could small bodies of soldiers be kept up throughout that country. There was a great disposition on the part of the witnesses connected with the Army, Navy, Ordnance, or Commissariat, to defend their profession, and especially to defend the particular situations they held. But the duty of that House was to take care that the public service was carried on with as few *employés* as possible. But when they were told that no steps were to be taken to carry out the recommendations of the Committees, and that it would be impossible for the Secretary at War to know what the relative force at home and abroad ought to be, surely that individual, being a Member of the Cabinet, might concert with the Secretaries for the Home Department and the Colonies as to the forces necessary, and then it would be in his power to exercise a general control over the expenditure of the forces, which was all that he was wanted to do. But, if nothing was to be done to centralise or control the expenditure, it made him despair to find we were to go on without the least reform or additional economy in matters in which savings could be made. How was it possible for the Secretary for the Colonies to attend to the constitutional affairs of the Colonies, and at the same time to control their military expenditure? He had so much to do that he could not possibly find time for such matters.

The CHANCELLOR of the EXCHEQUER said, he was afraid that some mistake might arise if he did not say a few words on what had fallen from his right hon. Friend. It seemed to him that the observations of his right hon. Friend the Secretary at War had not been altogether correctly apprehended by the right hon. Gentleman who had just sat down. His right hon. Friend had no intention whatever of saying that nothing whatever should be done with regard to the great question of consolidating the Army and Ordnance departments. All that his right hon. Friend said was, that it behoved the Government to observe a due and prudent reserve in any determination which they might adopt with reference to the subject. The right hon. Gentleman (Mr. Ellice), however, had travelled into a much larger subject—to one, which he agreed with him, was of vital importance. In his (Mr. Gladstone's) opinion, the main and principal hope which justified the House in looking forward to a reduction in the military expenditure was to be found in the course which our colonial policy might take. Certainly, he should be sorry at that, almost the first moment of their accession to office, if it went forth that Her Majesty's Government felt any indifference on such a subject; and he, therefore, should beg to assure his right hon. Friend that no such indifference existed. But his right hon. Friend would agree with him that it was impossible for those who acceded to office only at the commencement of January to have so framed the Ordnance Estimates of this year as to give adequate consideration to the subject: it was quite impossible to have made the necessary communication with the Colonies. But in the principle which the right hon. Member for Coventry (Mr. Ellice) laid down, he most heartily concurred, though none did so more heartily than those who were charged with the destinies of our Colonial Empire. It was impossible, however, for his noble Friend the Secretary for the Colonies to take extensive measures with regard to the military posts in Canada until he had an opportunity of communicating with the Governor General, and it was impossible to put the Governor General in a condition to examine into a question so important in time to embody the result in the Estimates then upon the table of the House. One little crumb of comfort, however, he could give his right hon. Friend with regard to Canada; and, though the change effected was perhaps of not much value as far as regarded the amount of money in question, still it was important in principle. The House and his right hon. Friend were very conversant with the name of the Rideau Canal. It was very well known that enormous sums of British money were expended in its construction; in fact, it had swallowed up more hundreds of thousands of pounds than he cared to name, and without any commensurate benefit to the Home Treasury. Her Majesty's Government, however, were of opinion that the outlay on this account should be put an end to, and a correspondence on the subject had taken place between the Home and Colonial Government. The Colonial Government pleaded poverty, and though Her Majesty's Government did not return exactly a similar plea, they formed a very strong conviction that things ought to come to an issue. Demands had come from Canada on account of the repairs of certain locks on the Rideau Canal, and it was proposed to provide for them in the Ordnance Estimates for the year; but the Government, holding in mind the determination which had been formed, entirely declined to submit the matter to Parliament, and the charge was therefore struck out of the Estimates. The vote was of no great consequence—a few thousands; but it showed the view which the Government were inclined to take of the necessity of reducing our colonial expenditure as much as possible. He hoped his right hon. Friend would hold this to be indicative of what the feelings of Her Majesty's Government were on the subject he had referred to. There was, however, another portion of the Colonial Empire with regard to which a similar determination had been come—namely, with respect to the West India Islands. It appeared to the Government that nothing could be more ridiculous in a military point of view, or nothing could be more unnecessary in a social point of view, than the maintenance of a vast number of small Ordnance establishments in these islands. His noble Friend the Secretary for the Colonies had, therefore, determined to concentrate the Ordnance establishments in the principal West India colonies. He was unable to say that many of those charges were erased from the Estimates of the present year, but he was in a position to state that his noble Friend had come to the conclusion to diminish the number of those establishments. He hoped his right hon. Friend would feel satisfied with the explanations which he had given.

Mr. ELLICE said, he only wished to observe, in reply, that he was the last person in the world to impugn the good intentions of Her Majesty's Ministers; and that if the observations of his right hon. Friend the Secretary at War had been as full and explanatory as those of the right hon. Gentleman the Chancellor of the Exchequer, he should not have felt it necessary to have said anything.

House in Committee; Mr. Wilson Patten in the Chair.

(1.) 17,598*l*. Ordnance Military Corps.

Mr. MONSELL said, he trusted he should be able to satisfy the Committee that the expenditure to be provided for in the present Estimates, though in excess of the previous year, could not be reduced without detriment to the public service. He might observe, that almost every recommendation made by the Committee of 1849 had been carried out in reference to the department. The duties of storekeeper and barrack-master had been combined in several additional instances, especially in the West India and other colonies; and, as the right hon. Gentleman the Chancellor of the Exchequer had just announced, it was the intention of the Government still further to reduce the colonial expenditure. With regard to stores, the Committee's recommendation had also been strictly followed, and with the most satisfactory results. The first vote was 807,507*l.* for pay, allowances, and contingencies for 17,598 officers, non-commissioned officers, and men composing the several Ordnance military corps. This vote was 12,642*l.* less than the vote of last year. The second vote was 373,217*l.* for commissariat and barrack supplies for Her Majesty's forces, great coats for the Army, clothing for the militia, &c. The increase in the number of the artillery had been made at the least possible expense: no new commissioned officers had been appointed; the additional strength which had been given to that arm of the service being confined to men and non-commissioned officers. With regard to the state of the artillery, it had never been more effective than at present; and some of the eminent foreign officers who had visited this country on the occasion of the Duke of Wellington's funeral, had, since their return home, expressed their high opinion of the organisation of our artillery, and of its merits as an effective force. He might add, that those improvements to which his right hon. Friend the Secretary at War had alluded on Friday night as having been carried out in regard to the general Army, had been adopted in the artillery also. The schools, which had been added to considerably, were flourishing; and, besides the ordinary schools, there was one at Woolwich in which geometry, mensuration, the theoretical knowledge of fortifications, and other branches of instruction connected with the artiilery service, were taught. There were at the present time twenty-four non-commissioned officers in regular attendance at that school. There were also similar schools established in the Colonial and other stations. There were libraries at many of those stations, and at Woolwich. In the Woolwich library for non-commissioned officers there were 3,399 volumes, and it had 426 subscribers, the public contributing only 30*l.* a year towards it, the subscriptions paying the rest of the expense. In the gunners' library there were 4,000 volumes; the number of subscribers was 898, and the cost to the public only 41*l.* It was gratifying to know that there had been a considerable improvement within the last few years in the health of this force. In 1849–50 the mortality was at the rate of 17¼ in the 1 000. In 1850–51 it was 16½ in the 1,000, and in the last year it was only 12½ to the 1,000. With regard to punishment, there had been a considerable diminution, he was happy to say, in the number of instances in which corporal punishment had been inflicted during the last two years. In 1849 the number of corporal punishments had been twenty-three, the average strength of the force being 10,000; in 1850 the number was only nine, the average strength being about 11,000; in 1851 it was also nine, the strength being more than 11,000; and in 1852 the number was reduced to five, the average strength being 12,000 men. In the latter half of that year there had been no case of corporal punishment in the artillery in Great Britain. There was one point in regard to the practical education of the artillery, upon which, probably, the Committee might consider there was some reason to complain—that was, the absence of a sufficient practice ground at Woolwich. It was true there were practice grounds at Shoeburyness and Sheerness; but they could not be used by more than two companies each, and it was therefore impossible to give the men that practice which was necessary for their perfect efficiency. He adverted to this in order to afford the Committee an opportunity of expressing an opinion on the subject. In this vote there was an increase of 71,528*l.* over the vote of last year, which was occasioned by the forage of 1,000 extra horses, the increased price of rations, two months' forage for Ireland, which last year was provided for by the Commissariat department, the clothing for the militia, and an additional charge for great coats to make up the stock, which at the commencement of the year was lower than necessary. In the next vote, for Salaries and Contingencies of the Ordnance Office, there was a decrease of 1,611*l.*, but it was occasioned chiefly by the transference of certain parts of that establishment to the Tower. In the fifth vote, Establishments at Home and in the Colonies, there was an excess over the amount granted last year of 3,344*l.*, a portion of which was occasioned by the transfer of certain charges from other departments. For the establishments at home 4,644*l.* more was required than in the last year; but 1,300*l.* less would suffice for the establishments abroad, the increase at home being made up by the new charges for the establishment of the Tower. There was an extra charge for storekeepers consequent upon the establishment of a convict establishment at Perth, in Western Australia, which had rendered a military establishment necessary; but there was a reduction in the charge for barrack masters in Canada, Jamaica, Halifax, and Hobart Town. The next vote was for Wages, and the amount was 141,437*l.*, while that of last year was but 124,346*l.*, the excess being 17,091*l.*, which arose principally from additional works at the various manufactories at Woolwich, the charge for which was over 19,000*l.* That amount, however, was reduced by about 2,000*l.* in the colonial charge, arising principally from the decision to which the Government had come, and to which his right hon. Friend the Chancellor of the Exchequer had alluded, namely, to at once terminate the expenditure, as far as this country was concerned, on account of the Rideau Canal. The next vote was for Stores; but before proceeding to that he would shortly refer to the course now pursued by the Ordnance department in regulating the stores at the various depôts. It would be recollected that great dissatisfaction was expressed by the Committee of 1849 at the accumulation of obsolete and unserviceable stores, and the attention of the principal storekeeper was directed to the subject with a view to the removal of the anomalies that then existed. The Committee might not perhaps be aware that half-yearly returns were now required from all the establishments at home and in the colonies of the quantity and description of stores in stock, showing what were serviceable and what were not. But in addition to these, triennial returns—more elaborate and searching returns—were sent in, to test the manner in which the half-yearly returns were made out. The question, however, was, whether the system which had been established had succeeded or not? He believed it had, and he would state why. He had called frr returns of unserviceable and obsolete stores at Quebec, Gibraltar, and Dublin, and in each of these stations there were hardly any of that description. The unserviceable stores had either been sold on the spot, or, if worth the expense, sent home. He believed in the other colonies and stations the same results would be found, and that no stores were now in stock which were not serviceable; and a Committee, appointed by the Treasury last year, had reported that the system was now so complete that they did not think any improvement in the mode of keeping down surplus stores could be effected. That Committee deliberately stated that "it did not appear to them that any improvement can be made in the system under which the depôts of Naval and Ordnance stores are at present maintained." One great item in the excess of this vote was the charge for arms consequent on the introduction of a more efficient description of small arms into the service. There was also an additional sum for guns, gun-carriages, and for 200 new shot furnaces. The vote required for works, buildings, and repairs was 695,655*l.*, which was 246,627*l.* in excess of last year's vote. This excess was caused chiefly by fortifications. One of the principal items was connected with the fortification of our great naval arsenals, which at present were not safe against the assault of an enemy. It was hardly possible to conceive that any person could object to this expenditure; for, whatever difference of opinion might prevail as to the expediency of providing naval arsenals in the first instance, there could be none as to the necessity of maintaining them in a state of efficiency now that they were formed. It was perfectly obvious that in a few hours injury might be done to them, which, as a mere matter of money, putting aside national honour and means of naval defence, would be most serious. The average amount expended on works of defence since 1815 was very small. It would probably cause surprise when he stated that the country had spent on an average only 13,000*l.* a year in providing for defences. Even in the period since 1846, during which the attention of Parliament and the public had been more particularly directed to the subject, we had spent only at the rate of 32,000*l.* a year upon works. There were, he believed, few countries which had not during the same period expended larger sums upon single fortifications than we had done upon the whole of our defences. Under these circumstances, and considering that the attention of the country was now, for the first time, roused to the necessity of providing for its defences, the Committee would not be surprised that the sum required for fortifications was larger than usual. The total amount which would be required for fortifications was 85,904*l*., and for fortifying the arsenals, 57,472*l*. There was also 60,000*l*. required for improvements in the fortifications of the Channel Islands, and for barracks connected with those fortifications, 33,400*l*., amounting together to 236,776*l*. There was also an item of 7,100*l*. for the repurchase of a workhouse in Cork, which was originally erected as a barracks, but had been taken, in 1840, by the Poor Law Commissioners, for the purposes of the Poor Law. There was 3551*l*. for the purchase of the rent-charge of Richmond Barracks. There was a sum of 10,000*l*. for the purchase of ground for the increase of the Wellington Barracks, which had been rendered necessary by the lease of the Portman Barracks being about to expire. There was also a sum of 3,050*l*. for repairs of the Ordnance Office, and another of 7,868*l*. for converting the vacated part of the Ordnance Office at the Tower into a storehouse. It would be remembered that the storehouses were burnt down in 1841, and since then, in consequence of the accumulation of stores, many of which were kept in tents, and some were now suffering serious injury from exposure to the weather, it was essential that these works should be proceeded with without delay. With regard to the buildings abroad, the excess was mainly to be accounted for by the necessity of rebuilding barracks which had been destroyed by a disastrous fire in Quebec, and for which 3,206*l*. would be required. The Committee was well aware of the fatal fever which had occurred at Barbadoes, and it was considered advisable to endeavour to improve the sanitary condition of the garrison by the building of a main drain at an outlay of 1,893*l*. There were also sums of 1,485*l*. for works in Jamaica, and of 12,981*l*. for continuing the building of new barracks at Halifax, which were progressing rapidly. These were the principal items of excess, and the Committee would perceive that this excess had principally arisen out of the necessity which existed for placing the defences of the country in a respectable state. And here he might observe that if the different fortifications had not been suffered to fall into decay, the amounts required now would not have been so large. The next vote was for the scientific branch, on which there was an excess of 19,306*l*. Part of that excess would be found to be for the Ordnance survey, which the Government had thought it best and most economical to have it proceeded with, energetically and rapidly. There was an increase of 311*l*. at Chatham for the expense of giving instruction to the soldiers of the line in field works. There was also an increase for the Royal Military Academy of 573*l*. In the next vote, that for the non-effective department, there was a decrease on the last year's estimates of 1,141*l*. He had thus endeavoured to explain the different items of diminution and excess in the year's Estimates; and he would only add that he should be happy to answer any questions which might be put to him by hon. Members. He would now beg to propose the first vote for 17,598 Officers and Men.

MR. HUME said, that having already made some observations on the subject of the Ordnance on the Motion for going into Supply, and believing that there was no chance of doing anything to decrease these Estimates, he thought the best way would be to have the whole of these Votes read through by the Chairman, and agreed to at once. But he would only say, that if they went on spending money in this way, there could be no hope of any reduction of taxation. The amount of the present Estimates for the Ordnance was 3,053,567*l*., while from 1829 to 1834 the average was 1,700,000*l*. Since that time they had risen every year until last year, when they reached 2,529,821*l*.; and in this year they had increased to their present amount. He would also compare the number of men voted in the present year with that in 1834 and the subsequent years, and which showed a great increase. He must also protest against the expenditure on barracks. It seemed, however, that people were quite mad on the subject of defence, and so alarmed that no one in that House could attempt with success to curb this expenditure. The best course would be to put all the items into one vote, and not enter into any particulars. In 1828 the number of men in the Artillery was 8,682, and now they were 17,598. The increase had been going on from that time, and now we had arrived at the present state of things. Something had been said about the necessity of getting a quantity of great coats, and it was said that it would be difficult to get contractors for them when they were wanted. Did any one ever hear of contractors being wanted?

Mr. MONSELL said, that it was not contractors that would be wanted, but that it would not be easy to get the work completed on a sudden emergency, and so the great coats were kept in store.

Mr. HUME said, that this was the most objectionable part of the Ordnance. Why should there be three different contracts for the clothing of the Army and the Navy? The Ordnance supplied great coats to the Army, the rest of their clothing was supplied from another source, and the Navy was clothed by a third means of contract. Then, as to their fortifications, what was the use of all their Martello towers? They had built forts in those places which, if there was to be an invasion, would be avoided, and they left 500 places unprovided for. Amongst other things, he would refer to the absurd expenditure of 8,000,000*l.* during the last war in fortifying the heights of Dover; and he appealed to the hon. and gallant Member for Brighton (Sir George Pechell), for a confirmation of the inefficiency of such means of defence as were proposed for the coast of Sussex. As it was his belief that it was perfectly hopeless to oppose the Estimates as proposed with any chance of success, therefore they had better be passed at once.

Sir GEORGE PECHELL hoped, that the Committee would take the advice of the hon. Member for Montrose, and vote the whole sum at once. Many of their fortifications were only objects of ridicule, particularly those in the neighbourhood of the Isle of Wight. If they wanted to have the country really defended, as it ought to be, it must be by the instrumentality of an efficient Navy, and not through brick and mortar. In 1849, when there was a demand for an increase in warlike stores, he asked for a return of the number of guns lying in the different arsenals of the country. After considerable delay and difficulty he procured that information, and he then discovered that they had 14.961 serviceable guns in the arsenals of Woolwich, Chatham, Portsmouth, Devonport, and Hull. In fact, they had in those four places 23,963 cannon, large and small. He observed an item of 8,000*l.* for gunpowder. He supposed that this increased demand for gunpowder was in consequence of the quantity expended in firing over the graves of military men. There were also 50,000 for great coats for the militia; and 41,000*l.* for accoutrements, colours, &c., for the militia. The Committee were thus called on to vote 100,000*l.* for fitting out the militia, over and above the large sum they had voted before when the subject of the enrolment of the militia was under consideration; and of this the country had good cause to complain. He had no objection to their defensive measures in the Isle of Alderney, as they appeared to be so much afraid of the port of Cherbourg; but he altogether objected to the expenditure of the public money for fortifications above Rochester Bridge and at the Isle of Wight.

Colonel NORTH said, he would beg to ask the hon. and gallant Officer whether the report which was prevalent was true, namely, that the reason why the roll in Sussex for the militia force was not filled, was owing to what he must call, if the statement were correct, the extraordinary and improper conduct on the part of the large proprietors in that county, who held out the threat to young men anxious to serve in the militia, that if they did join that force they would never under such circumstances give them employment?

Sir GEORGE PECHELL said, he could not answer for what took place in every part of a county nearly 100 miles long and 30 miles wide; but this he knew, that some landowners there had declared that 100,000 men were ready to march to Manchester or Birmingham. In his district everybody was employed and satisfied. The people no longer put any trust in Protectionist landlords, but relied on their own resources. They were not frightened by the threatened humbug of invasion, but would be ready to come forward when any foe dared to attack their hearths and firesides.

General ANSON said, he had heard the hon. Member for Montrose suggest on a former occasion that it would be better to take the Estimates in a lump..

Mr. HUME: You never heard that before. Never—never since I have been in Parliament.

General ANSON imagined that he had heard his hon. Friend say something very like it. He had at least heard him say that the Estimates were such a mass of confusion it was impossible to separate one item from another. He (Gen. Anson) had then pointed out to the House that unless they took the trouble of analysing the Estimates, and looking through them, it would be very difficult to understand them. The first thing was to separate them; and if his hon. Friend would do that, he was sure that his mind was clear enough to see them in quite a different form. He made these remarks because the speeches of his hon. Friend led to the inference that those items were improperly put together, and he was anxious it should not go forth to the public that there was wasteful extravagance in this department. The hon. Member (Mr. Hume) spoke of a large increase in the Artillery; but scarcely another Gentleman in the House but himself would object to an increase of that valuable force, upon which this country must in a great degree depend in case of emergency. He was glad to see that the expense of the Ordnance Office was constantly diminishing. In connexion with the vote for Stores, he was glad to hear from the Secretary at War that a decision had at length been come to by the Government with respect to the musket to be adopted, which he understood would be very nearly two pounds weight lighter, and still carry a ball as heavy as the old percussion musket. He trusted that now the British troops would have a musket not to be excelled by the arms borne by any troops in Europe. His hon. Friend had made some observations about gunpowder. It must not be supposed that they did not require an annual vote for gunpowder. It was constantly being used, and he remembered his hon. and gallant Friend behind him (Sir G. Pechell) making a demand for a quantity to be used on the Sussex coast in connexion with one of the Martello towers. The vote No. 7 was one of great importance, and had, no doubt, attracted the attention of the Committee. But upon such a subject there must be some degree of confidence placed in the Government which undertook measures for the defence of the country. In justice he must say that his noble Friend, who was at the Ordnance when he (Gen. Anson) was there, endeavoured as far as he could to induce the Government to carry out a great many of the works and measures of defence now proposed. Had his recommendations been followed, those works would now have been in a state of great forwardness. He (Gen. Anson) wished to know how it was that the sum for the survey of Scotland was increased from 25,000*l.*, the amount last year, to 35,000*l.*? He did not in the least object to the increase to complete the survey, for the sooner it was done, provided it was done economically, the better.

SIR GEORGE PECHELL said, the hon. and gallant General had thought proper to amuse the Committee by charging him with having been the cause of an expenditure of gunpowder, and he would therefore explain the circumstances to the Committee. The coast near Seaford was in danger from the inroads of the sea, the mouth of the harbour at Newhaven having changed, leaving a sort of driftway which would enable the sea to come behind this battery and the adjoining land, and do an enormous amount of mischief. A very patriotic gentleman resident in Brighton, having an interest in the neighbourhood, offered to pay the Ordnance a sum of money to assist in blowing up the cliff at Seaford, so as to form a groin, as had been done by the railway company at Dovor. The Ordnance undertook the task. A number of men were sent down, who made several galleries, and not one quarter of the gunpowder was ignited, so that the groin was not formed effectually, and the parties then demurred to paying the money. He believed the hon and gallant General might find some of his gunpowder still in the cliff at Seaford. That which was undertaken by the railway company had the proper effect, and that which was undertaken by the Ordnance had not.

COLONEL BLAIR said, the people of Scotland felt very great interest in the completion of the Ordnance survey in that part of the Kingdom, and he had no doubt they would agree with him that that object was now likely to be effected. He cordially approved of the Vote for that purpose.

The CHANCELLOR OF THE EXCHEQUER said, that it was the conviction of Her Majesty's Government that if the Ordnance survey of Scotland was to go on, it ought to be pushed with rapidity and efficiency. At the same time, he was anxious that it should not be taken for granted that it would be carried out exactly on the same system as had heretofore prevailed. There were several counties in which the arrangements already made would be adhered to; but the Government thought it their duty to take a deliberate and comprehensive view of the whole subject, to make the best provisions in their power, and to press it forward with vigour, in order to place it on the best footing it was susceptible of, with reference to the interests of the Scottish counties, and indeed the country at large. They were considering, in fact, what improvements could be introduced in the manner in which the Ordnance survey had been hitherto carried on.

CAPTAIN SCOBELL said, no man was

more deserving of the gratitude of the country for his watchfulness in that House over the public money than his hon. Friend the Member for Montrose (Mr. Hume). The Committee should remember that these estimates were increased in the present year by a sum of from 400,000*l.* to 500,000*l.*; and that it was due to those who had to supply the money that the fullest explanation should be furnished upon the subject by the Government. He (Capt. Scobell) approved of the increase of 5,000 men in the Navy when it was proposed last year, regarding that branch of the public service as the natural and proper defence of the country. On the same occasion, however, he objected to the increase in the number of the Artillery. He found in the present Estimates, under the head of "levy money" for the Artillery, a sum of 8,444*l.*, and "marching money," 3,355*l.* Now, as the number of men raised was only 1,210, that would give an average bounty of about 9*l.* 15*s.* to each man, which was he believed far beyond that paid in the other branches of the service. Either this bounty was too high, or that for the line was too low; but in either case he thought the amounts ought to be equalised.

Admiral WALCOTT said, that at this moment, in the fortresses of Gibraltar and Malta, where he believed they had not a greater number of guns than were necessary, not more than one artilleryman would be found to a gun, and he understood that the same was the case in many other of our colonies. He was perfectly convinced there was no military force in this country which ought to be kept in a more efficient state than the Artillery. The principal question with him was, how we could best prevent the occurrence of an invasion at all; and he thought that any sum of money which that House could vote that would effect that object, would be a cheap sacrifice in the end. Of the corps of Artillery he had been an admirer from his earliest years. Year after year he had watched its increasing efficiency with the deepest and intensest interest. He was satisfied it was a most important branch of our military defences; and there was no assistance which that House could grant still further to augment its value that he would not gladly concur in. Upon the whole he was disposed to give the present Government credit for a determination to lay out the money which might be voted for the promotion of the best interests of the country; and until he saw that they took any other course he was willing to repose faith in them.

Mr. MONSELL said, he begged to say in reply to the observations of the hon. and gallant Member for Bath (Captain Scobell), that the same sum was paid as bounty and travelling expenses for recruits in the Artillery as was paid in the case of recruits for the regiments of the line.

Mr. HUME said, he agreed that the corps of Artillery was a most important arm of our military service; but he begged to remind the hon. and gallant Member (Admiral Walcott), that in the time of Pitt 4,846 men was the whole number of the Artillery establishment of Great Britain. And after the war, from 1815 to 1828, the number of men did not exceed 8,000. In his opinion the Artillery had been increased most immoderately since that period.

Mr. LOCKHART said, in reference to the Ordnance survey of Scotland, he begged to express a hope that the question of the cost of survey for towns would be reconsidered. In a sanitary point of view he deemed it of much importance.

Vote *agreed to;* as was also—

(2.) 807,507*l.*, Pay Allowances, and Contingencies.

(3.) 373,217*l.*, Commissariat and Barrack Supplies.

Colonel LINDSAY said, he wished to draw attention to the present system of lighting barracks, which he considered a most objectionable one. The practice was to allow two candlesticks to a room, and if more were required the men were obliged to use ginger-beer bottles. An attempt had been made to light the barracks with gas; he wished to know whether it was the intention of the Government to adopt that mode of lighting? The existing mode of letting canteens, too, was not a good one. They were now let by tender, the highest bidder being usually accepted. The result was, that the canteen keepers screwed the soldiers to the greatest possible extent, and occasionally, as was the case not many days ago at Portsmouth, resorted to the use of false weights and measures. He thought a better system, and one more conducive to the comforts of the soldier, might be adopted; and he trusted the attention of the board would be directed to the subject.

Mr. SIDNEY HERBERT said, in some cases gas had been introduced, but in many instances the introduction of it would be so much more expensive, that they had been obliged to forego it. With regard to canteens, it was a mistake to suppose that they always accepted the highest tender. They always inquired into the character of the party tendering.

Mr. MONSELL said, he could assure the hon. and gallant Member (Colonel Lindsay) that the Government were disposed to do everything they could for the comfort of the soldiers. The use of gas in the barracks had been a subject of consideration; but there existed some difficulty as to that mode of lighting being adopted. He might also state, that he believed gas would be more expensive than candles. With regard to the letting of canteens, it was always the practice of the Government to inquire into the character of the person whose tender was accepted.

Mr. HUME said, he did not consider the Government were entitled to derive a farthing from letting the canteens. The soldiers ought to be provided with reading and refreshment rooms similar to the coffee-shops, where they could have tea and coffee and read the newspapers, instead of being obliged to go to public-houses. Means of amusement, occupation, and instruction, should be afforded them.

Vote *agreed to;* as were also the two following Votes :—

(4.) 73,969*l.*, Ordnance Offices.

(5.) 291,657*l.*, Establishments at Home and Abroad.

(6.) 141,437*l.*, Wages at Home and Abroad.

Viscount MONCK said, he had to call the attention of the Committee to the great grievance under which his constituents at Portsmouth laboured, owing to the exemption of Government property from the poor-rates, the effect of which was, that the rates were much heavier on the inhabitants. The property in question was occupied by the Government for national purposes, and it was unfair to throw the burdens which it ought to bear on the locality. If the place was not occupied by the Government docks, no doubt it would be the scene of great private enterprise, which would contribute largely to local taxation. It had been proved by a return in 1840 that the poor-rate at Portsmouth amounted to 6*s.* in the pound on the average, while it was only 1*s.* 3*d.* in other places on a similar rating. The exemption of the Government property was not statutable, but arose from the absence of beneficial occupancy of the premises. [" Hear, hear !"] Yes, but the short answer to that argument was, that in the Portsmouth dockyard certain officers, such as the naval storekeeper, &c., were made rateable, and the same might be done for the poor-rates.

Mr. MONSELL said, the question raised by the noble Lord was one of great difficulty, and could not be discussed incidentally in a Committee of Supply. Would the people of Portsmouth, if they complained of this exemption, consent to having all these great public establishments, which gave work to so many inhabitants, withdrawn, and the land left idle ?

Viscount MONCK thought the same argument would apply quite as well to any private manufactory, or to the land occupied by any great private establishment.

Vote *agreed to.*

(7.) 371,697*l.*, Ordnance Stores.

Colonel LINDSAY said, he wished to inquire whether it was not the case that nearly half the new muskets served out to one regiment in the service had been returned to store, because the sights had not been put on properly ? He was afraid the stores of another description served out sometimes were not very efficient, particularly the axes and billhooks. He knew an instance where two companies were set to clear a road through a wood, and the edges of all the axes and billhooks turned immediately.

Mr. MONSELL said, he was not aware of any complaint against the axes and billhooks, but he would inquire into the matter. He was sorry to say, however, that the statement of the hon. and gallant Officer respecting the sights on some muskets lately issued was too true. One-half of the muskets issued to a regiment of the Guards had been returned because they were not properly sighted. The Ordnance Board had at once given directions to their officers to inspect the guns, and had called in the assistance of two of the first gunmakers in London; but, as yet, they had not received any reply which would enable the Board to ascertain the quarter in which such culpable negligence existed.

Colonel NORTH wished to know if it was the intention of the Board of Ordnance to increase the quantity of practice ammunition, as it was, he understood, the intention of the authorities to hire ground for practice in small arms ?

Mr. MONSELL replied, it was a subject on which the Master General was extremely anxious, and that he had no doubt every means would be taken to improve the troops in the use of their arms.

Mr. HENLEY said, he was not satisfied with the answer of the hon. Gentleman respecting the muskets returned as unfit for service. Why should the Government be obliged to apply to private gunmakers? It was rather hard upon the country to pay so high, and then not to have men who could tell whether the Government guns were fit for service or not, or in what department the mischief was done.

Vote *agreed to*.

(8.) 695,655*l.*, Works, Buildings, and Repairs.

Mr. MILNER GIBSON said, he must ask for an explanation of the extraordinary works going on at Alderney, for which a sum of 160,000*l.* was set down in the present Vote? Alderney was a little island with about 1,000 inhabitants in a most out-of-the-way place, and yet we were spending these enormous sums on it, while the amount to be voted against people supposed to be coming up the river to the metropolis was only 5,000*l.*

Mr. MONSELL said, the right hon. Gentleman must surely be aware that works were going on at Alderney for a harbour of refuge, and that, considering the events which might occur at any time, it was necessary to protect that harbour. It was the opinion of the most eminent engineers and officers that at an inconsiderable expense Alderney might be made as strong as Gibraltar.

Mr. MILNER GIBSON said, no man in his senses would ever think of taking refuge in Alderney in bad weather. No seaman would approach it, unless he sought destruction. It really appeared as if this expenditure was going on without due control or consideration, and he should like to know on whose advice it was taking place.

Sir FRANCIS BARING said, that certain officers had been sent to report on the state of our defences some time ago, and to indicate those points which were vulnerable. They had made a Report, but the Committee which was sitting at the time, for reasons which were obvious, did not think it advisable the Report should be published.

Mr. HUME said, that was the humbug of the day. It was expedient to keep from the House that which any one might come over from the coast of France and see if he wished. All he wanted to know was, whether these officers had reported that the harbour of Guernsey would hold more than one frigate?

Captain SCOBELL said, that without offering any opinion one way or the other respecting the harbour of refuge, he would beg to remind hon. Members that if they built a breakwater it would be necessary to protect it by fortifications.

Viscount GODERICH said, he wished to inquire if any improvements had taken place in barrack accommodation for our troops? It was but too often the case that the way in which the men, and particularly the married soldiers, were provided for, was a disgrace to the country.

Mr. MONSELL said, that efforts had been made to give the men as many comforts as possible in the new barracks; but he regretted to admit that, in the old barracks, there was still much to be done to make them fit for the proper accommodation of our troops.

Mr. HENLEY said, we had laid out within the last ten years above 3,000,000*l.* in the erection of barracks in the United Kingdom alone. A Committee that sat on the subject, in 1849, reported that accommodation was then given to about 95,000 men in barracks. Since that year about 300,000*l.* had been expended in barrack building, and yet the accommodation to the soldiers was bad and inefficient. He did not begrudge the expenditure of large sums of money for public purposes, but he thought that the public should have the worth of their money; and that when large sums were laid out in the building of barracks, our soldiers should not have occasion to find fault with want of room and ventilation in them. He wanted to know if the new barracks contained sufficient space for the men, and were provided with canteens, to which they could retire without being expected to drink, and also if they had washhouses and baths?

Mr. MONSELL observed that the complaints which had been made came from the old barracks, and not from the new. He could not say how many cubic inches of air were allowed to each man; but he knew that regulations had been issued providing for sufficient space, and that the Master General had taken care to give the men every possible comfort and convenience in the new barracks.

Captain LINDSAY said, he willingly admitted that improvements had been carried to a great extent with respect to washing houses and baths, but still the soldiers had not sufficient accommodation.

Colonel BOLDERO said, he had never heard a word of complaint against the new barracks. He believed that they afforded proper and efficient accommodation to the soldiers lodged in them. The barracks erected in this country within the last ten years had cost not less than at the rate of 100*l.* for every soldier contained within them. Indeed, that erected at Woolwich had cost at the rate of 150*l.* for every soldier to whom it gave accommodation.

Sir JOHN SHELLEY said, he hoped the Government would turn their attention to the drainage of barracks. He noticed that the sum of 2,000*l.* was required for the drainage of the cavalry barracks at Windsor. This was a large sum to be expended in that way.

Mr. MONSELL said, the Windsor barracks were old barracks, the drainage of which had been conducted on the old system, and the alterations necessary were therefore extensive.

Sir JAMES GRAHAM, in answer to an hon. Member, said, there was already a breakwater at Alderney, where men of war and other vessels could take shelter. The question now entertained was as to whether that breakwater should be extended further or not, so as to include a larger area of water. That question had not yet been determined.

Vote *agreed to.*

(9.) 127,213*l.*, Scientific Branch.

Mr. HUME said, he must regret that the right Hon. Baronet (Sir J. Graham) should intend putting a stop to the naval surveys, which were so necessary and important to this country. Vessels were coming from all parts of the world, and nothing but proper surveys, with the soundings of the coast, could give such ships a chance of safety. He hoped the right hon. Gentleman the First Lord of the Admiralty would reconsider the subject. The right hon. Gentleman said that he had a large number of surveys completed, and it was very desirable that they should be published forthwith. The evidence given before a Select Committee by a distinguished naval officer showed that the want of proper surveys of the west coast of Scotland, from Mull northwards, was most disgraceful.

Sir JAMES GRAHAM said, he was not about to rediscuss the question of the naval surveys. He had already endeavoured repeatedly to express his opinion on that matter to the Committee. He would just say that he had no intention whatever of putting a stop to the surveys, but he had a very fixed intention of reducing the cost. He thought the sum that had been expended for the work done was extravagant; and he believed that the reduced vote that he had asked would be sufficient, while it would neither diminish the efficiency nor the number of the surveyors.

Mr. HUME said, he was very happy to hear that explanation; but if 15,000*l.* could be saved in the cost of the surveys now going on, he would urge that that sum should be applied in increasing the number.

Sir WILLIAM JOLLIFFE said, he would beg to ask upon what scale the Ordnance survey in Scotland was proceeding, and when it was likely to be completed? Several of the surveys done in large populous districts were now found to be much inferior to those at present going on, and he thought it would be an economical thing to correct them. In populous districts there would be likely to be such a demand for those corrected surveys that they might cost the country little or nothing.

Mr. DUNCAN said, he had presented petitions from Forfarshire for the completion of the surveys there on the six-inch scale, and he would urge the necessity of complying with those requests, for the one or the two-inch scale surveys would be of little or no service.

Mr. MONSELL said, he was quite aware that there had been many representations made to the Government on this subject from Scotch counties, and the whole question was now undergoing consideration. He was desirous of rigidly and faithfully carrying out all the promises made to the Scotch counties on this subject, and the whole matter would be reconsidered and fixed upon a firm basis, so that the survey might be finished with the least possible delay.

General ANSON said, that the changes of opinion that had taken place on the subject of the Scotch surveys, made their proceedings look ridiculous. The Committee which sat upon the question was principally composed of Scotch Members, and they decided that the surveys should be made upon the one-inch scale, and that they should be completed in ten years, from an annual vote of 25,000*l.* As a member of that Committee himself, as being then connected with the Ordnance Department, he dissented from the decision of the majority, and was strongly in favour of the six-inch scale, and he was glad to find that the Members from Scotland were now coming round to his opinion.

Vote *agreed to ;* as was also—

(10.) 171,215*l.*, Non-Effective Services, Military and Civil.

Mr. HUME said, that before these Votes were disposed of, there was one point to which he should like to call attention, and that was the enormous amount of powder wasted in firing salutes.

Mr. MONSELL said, a very considerable decrease had been effected of late years in this item.

The House resumed.

LEASING POWERS (IRELAND) BILL, &c. COMMITTEE—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Question [24th February], " That Lord Naas be one other Member of the Select Committee on the said Bills."

Question again proposed.

Debate *resumed.*

Mr. DRUMMOND said, that before they agreed to this question, the Government ought to inform the House precisely what course they intended to pursue with regard to these Bills. The right hon. and learned Gentleman the late Attorney General for Ireland (Mr. Napier) introduced one Bill, not in his official capacity, but because he had long been engaged in preparing a measure, and he would not suffer his situation in the last Government to prevent him from bringing it in. Now, the right hon. and learned Gentleman's Bill and the other Bill had both been carried on the second reading, and the principle was admitted; yet it seemed to him (Mr. Drummond), whose name appeared on the list to be nominated, that there were the names of several Gentlemen proposed for the Committee who were entirely opposed to the principle; and the consequence would be, that the Committee would certainly be shut up for the rest of the summer; and he, for one, would not submit to what the late Sir Robert Peel called "intramural interment," and kicking against their coffins for months together. Now, if every Member of the Committee did not agree in the principle, what did the right hon. Baronet the Chief Secretary for Ireland mean to do, and had his proposal the sanction of the Government?

Mr. CAYLEY said, he wished to call attention to the fact, that the measures referred to the Committee, though nominally they affected the tenure of land in Ireland, did, in reality, affect the tenure of property throughout the whole kingdom. The hon. Gentleman was proceeding, when

Mr. SPEAKER said, he must remind the hon. Member that the question before the House related to the names of Members to be appointed on the Committee.

Question put, and *agreed to.*

On Question, that five be a quorum,

Sir JOHN YOUNG said, he was prepared to answer the question of the hon. Member for West Surrey (Mr. Drummond). What had taken place with reference to these Bills would be perfectly in the recollection of the House. Before Christmas the hon. and learned Member for the county of Kilkenny (Mr. Serjeant Shee) offered a Bill for the consideration of the House; and the right hon. and learned Member for the University of Dublin (Mr. Napier), then Attorney General for Ireland, brought in Bills which showed that a great amount of labour and ability had been bestowed on their preparation. The Bills were all read a second time, and ordered to be referred to a Select Committee. The duty which devolved on the present Government was to carry out the order of the House, that a Select Committee should be appointed to whom all these Bills might be referred. He (Sir J. Young) had not the smallest degree of responsibility for either the Bill of the hon. and learned Member for Kilkenny, or for those of the late Attorney General for Ireland. Undoubtedly, the noble Viscount the Secretary of State for the Home Department and he (Sir J. Young) had not acted without the sanction of Her Majesty's advisers with respect to the course they had taken; and when they went into Committee, he had no doubt the Secretary of State would be prepared to inform the Committee what was the course he was prepared to take. There were different opinions entertained by different parties in the House upon the subject. If they went into Committee, by earnestly and carefully discussing the question, he (Sir J. Young) believed they might do great benefit to Ireland, for it was admitted on all hands to be desirable that some settlement of the question should be arrived at, and that, if one were not arrived at, the statesmen of this country should be prepared to give the people of Ireland reasons why the question should not be dealt with. His intention in going into the Committee was to look to the views which might be laid before the Committee. He gave the right hon. and learned Member for the University of Dublin all credit for the pains he had taken and the ability he had shown in preparing measures; and, not agreeing with the right hon. and learned Gentleman on all subjects, he should state his own views and offer Amendments; but with respect to the names of the Committee, let the House look at the question as it was. They must, when they looked at it, bear in mind that it had disorganised and disordered the public mind for many years past in Ireland, and that in the state of that country, if they had it in their power to give their attention to a question which it would be so much for the benefit and welfare of the country to settle, it was their duty to apply themselves resolutely to that question, and, if possible, to bring it to some amicable conclusion.

MR. LUCAS said, he did not know whether the right hon. Gentleman the Secretary for Ireland rightly understood the question of the hon. Member for West Surrey (Mr. Drummond); for it did not appear that he had given a very precise answer. The question which he (Mr. Lucas) wished to put was, whether the Government acceded to the principle of the Bills, or whether the Committee were to consider what the principle should ultimately be. The principle of the Bills of the right hon. and learned Member for the University of Dublin, and of that of the hon. and learned Member for Kilkenny, were precisely the same. There was a great deal of difference, he believed, between the practical arrangements of the two Bills, but the principle of each was identical. What the hon. Member for West Surrey wished to know was, whether the Committee were to determine whether the principle of those Bills was to be adopted, or how that principle should be carried out. Therefore, he (Mr. Lucas) thought the House should be informed of the intentions of the Government in this respect, whether the Committee were to commence *de novo*, or whether they were to consider that the principle was agreed upon.

VISCOUNT PALMERSTON said, there were certain Bills brought into this House before the adjournment. The House then determined that they should be all referred to a Select Committee. There was a change of Government, and it became the duty of Her Majesty's Government to name a Committee on which the House had previously determined. If the hon. Member, or any one, asked on what conditions the Members of that Committee would go into Committee, the only answer was, that they went into it perfectly unfettered.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES.

Resolutions brought up. Nos. 1 to 14 inclusive *agreed to.*

(15.) Chelsea and Kilmainham Hospitals.

MR. VANE said, that he should move the postponement of this Resolution unless he received the assurance that Kilmainham Hospital should remain open for the reception of pensioners in the same way as Chelsea Hospital was open. In giving this opinion he was only expressing the interest his constituents felt in the subject. One representation from North Dublin Union, to which he alluded, made reference to a guarantee given by the Act of Union, which imported that this institution should be maintained. Some of his constituents stated that they had expected indulgence from the right hon. Secretary at War, who had large property connected with the city of Dublin. The late Chancellor of the Exchequer had said he looked on this subject as of the same nature as the continuance of the office of Lord Lieutenant, adding that the question was whether they were to have a system of centralised Government, or whether Ireland should retain its local institutions. A new light had broken in upon this country, which now saw the necessity of supporting the institutions of Ireland, and more particularly those in the metropolis of that country, because they thereby thought to stifle the cry formerly raised for the repeal of the Union, and to give satisfaction to a people very easily appeased by just and reasonable methods. He should therefore move that the Resolution be postponed.

MR. FITZSTEPHEN FRENCH, in seconding the Motion, said that this was not the first time this subject had given rise to debates in the House of Commons. In 1834, the House came to the determination that the hospital should not be abolished; and the late Sir Hussey Vivian had declared that Kilmainham was not only beneficial to the country, but could not be dispensed with without positive injury.

MR. SIDNEY HERBERT said, he could not allow the argument used with reference to that part of his property which lay in the city of Dublin to influence his conduct. On this particular case he was not called on to pronounce a decision, because he found that a decision had been taken on the subject with the recorded approbation of the House. A proposition had been made to transfer pensioners to

Chelsea, with a view to the reduction of Kilmainham; whereupon it was urged that the reduction should not be immediately pressed, and it was decided that no new appointment should be made to Kilmainham, so that in time Kilmainham should cease to be. To that compromise he had adhered. It seemed to him a just and sound decision. The fact had been brought out in evidence before a Committee that there was no necessity for the maintenance of Kilmainham for the reception of pensioners; and he found that the pensioners at Kilmainham were not exclusively Irish pensioners, so that there were not any feelings of nationality on the part of the pensioners to be consulted; and there were also peculiar circumstances affecting the case — circumstances which the House would ultimately have to consider, in reference not only to the question whether they would have to maintain Kilmainham, but also to the question whether even they would have to maintain Chelsea. Being fully impressed with the wisdom of the decision that there should be no more nominations to Kilmainham, and believing that there was no national reason for maintaining that establishment, he should abide by that decision. He strongly recommended the hon. Member not to press the postponement of the Resolution, for the only consequence would be, not that the resources for the support of Kilmainham would be increased, but that the Hospital would die of starvation.

Mr. GROGAN said, he would remind the right hon. Gentleman, who seemed to take an Imperial view of the question, that there was a strong national feeling in Ireland on this subject. Decisions of Committees were not always ratified by that House; and as far as the particular Committee to which this question was referred, he believed that only one Irish Member, (the late Member for Clare, he believed) served on it. He trusted that the feelings of the Irish people would be considered on the subject, and that one of the last vestiges of their nationality might be left to them.

Mr. HUME said, he could assure the hon. Member that he entirely mistook the views of the Committee, and he believed that the two hon. Members would themselves, had they been members of it, have concurred in its recommendation.

The Fifteenth Resolution being read a second time; Motion made, and Question

put, "That the said Resolution be postponed."

The House *divided:* — Ayes 66; Noes 119: Majority 53.

Resolution *agreed to.*

Subsequent Resolutions *agreed to.*

OFFICE OF EXAMINER (COURT OF CHANCERY) BILL.

Bill, as amended, considered.

Mr. MULLINGS would move, in page 3, line 11, of Clause 2, to omit the first word "such." In moving this Amendment he wished to observe that the first Act passed to regulate pensions for retiring Examiners was the 5th *Geo.* III., by which they were entitled to 300*l.*; but the Chancery Relief Bill of last Session gave a salary of 1,500*l.* a year, allowing three-fourths of that sum as a retiring pension. He believed the rule adopted had been that no public servant should receive a retiring pension so long as he might hold another situation with larger emoluments. He would, however, demonstrate that the late Examiner (Mr. C. Villiers), who had retired from his office, and who was now in the receipt of a salary of much larger amount, might not only take the retiring pension, but also the salary of his present office of Judge Advocate. He only asked that the retiring pension should be suspended while he was receiving the salary of his present office.

The SOLICITOR GENERAL said, the retiring pension would not be given to such officers as held other appointments. In the case of his right hon. Friend (Mr. C. Villiers), when he retired from the office of Examiner in Chancery, and accepted the office of Judge Advocate, he very honourably declined to accept the pension attaching to the position of a retired Chancery Examiner. The Amendment of the hon. and learned Gentleman would, if carried, interfere very much with the action of the Statute passed last Session, and would introduce the greatest possible confusion. The objects of the Act were entirely prospective, whereas the proposed Amendment attempted to annex to it the provisions of a former one, and thereby give it a retrospective character.

Mr. HENLEY said, he was very happy to hear from the hon. and learned Solicitor General that it had never been the intention of the right hon. Member for Wolverhampton to receive his pension and hold an office under Government at the same time. That had been stated in language so unmistakeable as to give great satisfaction to both sides of the House; for he was sure neither party in that House would wish to see a gentleman permitted to retire upon a very handsome salary, and immediately afterwards accept another office under Government. The only point, then, which ought to be regarded was, whether the question ought to remain determined by the mere declaration of the right hon. Member for Wolverhampton; or was the House, now that the opportunity for so doing was before them, to make an explicit statement upon the point? The hon. and learned Solicitor General said, that whether the Act of Parliament allowed of the pension being paid or not, that the right hon. Gentleman did not intend to demand it. Now, he (Mr. Henley) ventured to opine that unless some such alteration as that suggested by his hon. Friend the Member for Cirencester (Mr. Mullings) were adopted, it would be competent for him to demand his pension. At all events he thought that the Crown ought to be protected by a distinct provision in the Act from any claims which might hereafter be raised by the executors of the right hon. Gentleman.

The SOLICITOR GENERAL said, he begged to explain that the present Bill was confined to the cases of those Gentlemen appointed to the office of Examiner since the passing of the Act of last Session, whereas the right hon. Member for Wolverhampton had been appointed twenty years ago.

MR. MALINS said, he was quite at a loss to know why the hon. and learned Solicitor General opposed the insertion of the proposed words, as they would only have the effect of relieving the minds of hon. Members from an apprehension that it was possible for the right hon. Member for Wolverhampton to be in the receipt at the same time of the emoluments of an existing office and of his retiring pension besides.

The ATTORNEY GENERAL said, he did not believe the matter was at all understood. Hon. Gentlemen opposite seemed to be under the impression that some benefit was to accrue to his right hon. Friend the Member for Wolverhampton under this Bill. Now, he would derive none whatever, for by the Bill of last Session the option was given to the right hon. Gentleman, as one of the Examiners of the Court of Chancery, to withdraw from his office, as its functions were materially altered. He did retire accordingly, and an order was made entitling him to the pension. A Bill was now brought in, altering the oath to be taken by Examiners appointed to the office as remodelled, and making provision with respect to their salaries and retiring pensions; and hon. Gentlemen opposite proposed to introduce a clause depriving the right hon. Gentleman of the advantages he had secured under the Act of last Session, and upon the faith of which he had resigned. That was not just. The right hon. Gentleman had declared that he should not take the pension while he held office, and the public would appreciate that liberality; but he ought not to be deprived of the merit of that concession by *ex post facto* legislation.

Question, "That the word 'such' stand part of the Bill."

The House *divided*:—Ayes 127; Noes 61: Majority 66.

MR. MULLINGS said, he should now move that "twenty-five" should be inserted instead of "twenty." The object of this Motion was to prevent any one holding this office from becoming entitled to a pension until he had served for twenty-five years instead of twenty, as provided by the Bill.

Amendment proposed, in page 3, l. 12, to leave out the word "twenty," and insert the words "twenty-five," instead thereof.

Question proposed, "That the word 'twenty' stand part of the Bill."

COLONEL SIBTHORP said, that he was surprised to see the hon. Member for Montrose (Mr. Hume), the hon. Member for Salford (Mr. Brotherton), and, he believed, one, if not both, the hon. Members for Manchester (Mr. Gibson and Mr. Bright), voting to night for pensions, although on former occasions they had supported Motions for refusing them to those who had a better claim to them than the right hon. Member for Wolverhampton. When, however, the pensions were in the hands of their friends, there was no more talk of economy. When those who sat and acted with them were concerned, it was, "I scratch you, and you scratch me." When he saw men professing to support economy, but taking such a course, he was bound to say that he had no faith in them. Take off the mantle which covered them, and let them go forth to the public in their proper shape. "Man-traps and spring-guns, they will catch you when they can."

Mr. HUME said, that the proper time to have inserted a proviso with respect to the receipt of the pension was last year, when the Act was passed, and not now. On that occasion, however, the hon. and gallant Colonel voted for the Act as it at present stood. That Act abolished the office which the right hon. Member for Wolverhampton held, and the present Bill created a new one. Notwithstanding, too, that he was entitled to a pension, the right hon. Member for Wolverhampton had declared his intention not to receive it while he held his present office, so that the public would not suffer any loss from the absence of the proviso which hon. Gentlemen opposite desired to introduce into the Bill.

Mr. MALINS said, that the late Government having been nearly defeated on Mr. Villiers's Motion, it was natural to expect that he would not be overlooked by his party when they came into office. ["Oh, oh!"] He did not blame them for it. Instead of an obscure office in the Rolls-yard, which was by no means commensurate with his reputation, and which the greater portion of the Members of the House probably did not know he held, he had received the office of Judge Advocate General with a salary of 2,000*l.* a year, with a seat at the Privy Council. He, nevertheless, held both offices for six weeks after the present Government came into power (so little confidence had he in their stability), and during that period the pension question was arranged, and then the right hon. Gentleman resigned his office of Examiner in Chancery. He was, therefore, a little surprised that the hon. Member for Montrose should have divided in favour of securing the right hon. Gentleman a pension for an office which was not abolished by the Act of last year; and which underwent no other alteration, except with respect to the mode in which the evidence in Chancery was in future to be taken by the Examiner; the salary being increased from 1,000*l.* to 1,500*l.* in consequence of the additional labour thus devolving upon him. The office of Judge Advocate General was a higher one than that of Examiner in Chancery, and no gentleman who accepted a higher office had a right to stipulate for a pension in consideration of resigning a lower one. He was astonished that none of the Gentlemen on the opposite side of the House, who talked so much about economy, should have raised their voices against a matter which he thought savoured somewhat of a job.

Mr. COBDEN said, that in about seven hours and a half, that House had voted about 15,000,000*l.* of money for the Army, Navy, and Ordnance, or about 1,000,000*l.* for every half-hour that they were in Committee of Supply, and yet they had had less discussion, and that of a less vehement character, on any one of those Votes, than on this question, which did not involve the saving of a single shilling. The clause which had been proposed by the hon. Member for Cirencester (Mr. Mullings) would not deprive the right hon. Member for Wolverhampton (Mr. C. Villiers) of a pension; for if he understood the hon. Member correctly, he did not deny his right to a pension, provided he did not hold office under the Crown. Hon. Members wanted to insert a proviso in a Bill having no reference whatever to the case of the right hon. Member for Wolverhampton. Whatever opinion hon. Gentlemen opposite might entertain of his right hon. Friend (Mr. C. Villiers), he had every faith in his word. There certainly appeared to be something of a personal character in this persevering attack on his right hon. Friend. The public would not be mistaken in the matter. All that they wanted to compel him to do he had done last year of his own free will.

Mr. BARROW said, he thought that even law reform might be purchased too dearly if accompanied with arrangements such as this Bill contemplated. He protested against enabling a man of fifty years of age to retire on a pension amounting to three-fourths of his salary.

Sir JOHN SHELLEY said, that although hon. Gentlemen opposite were now showing a sudden sensitiveness to jobs, if he was not mistaken, the right hon. Gentleman the Member for Dorsetshire held the office of Cursitor Baron of the Exchequer and Judge Advocate at the same time, receiving the salaries of both offices. He was glad to find the right hon. Gentleman had come to the conclusion that this was not a proper course to pursue.

Mr. BANKES said, that no one doubted the good faith of the right hon. Gentleman the Member for Wolverhampton; but the question then was, whether it was not right that the law should regulate that matter for the future, instead of leaving it to the discretion of any individual. He had no difficulty in answering the personal observation made by the hon. Baronet with regard to himself. It was perfectly true that he had held the highly honourable office of Judge Advocate, and also another office, a patent office, and therefore one for life — that of Cursitor Baron. He had, however, never received the yearly salary for both offices. What he might have done at the end of the year he did not know, but he did not hold both offices for a year.

Mr. C. P. VILLIERS said, he thought that the right hon. Gentleman (Mr. Bankes) must have rather had his own case, than his (Mr. Villiers') when he expressed such anxiety to have some general rule laid down in these matters, for his (Mr. Villiers') case was one that was quite peculiar, and not likely to recur, while that of the right hon. Gentleman, holding two offices at the same time, as he had done, without the slightest intention of giving up either, if he could help it, was extremely likely to happen again. As there seemed, however, to be some misconception with regard to the office which he had held, and some anxiety on the other side of the House to misconceive, he might be allowed to state very shortly the facts of the case. He had held the office of Examiner in the Court of Chancery for nineteen years and upwards. He was appointed to that office by Sir John Leach, the Master of the Rolls, in the latter end of 1833. There had just then been a change in the character of the office, and Sir John Leach was of opinion, as was also his predecessor, Sir Thomas Plumer, that the person who filled the office should have had a legal education—that he should have been called to the bar—which was not the case with those who had previously held the situation. There were, then, no great advantages to tempt any one to take the office, because the person who accepted it was precluded from taking other office, or even practising at the bar. It was an office that led to nothing, the duties of it were very irksome, and the salary was only 1,000*l.* a year. On the other hand, he (Mr. Villiers) knew that it was a freehold office—an office for life; that while he continued to perform the duties properly as he had undertaken to perform them, no one could remove him from it; and, as Members were already aware, it was compatible with a seat in Parliament, for it was not an office held under the Crown. After having held this office for about nineteen years, he found, in June last, that a Bill was passing through the House which proposed to change altogether the character of the office, by altering the mode of taking evidence in the Court of Chancery. That Bill altered altogether the character of the duties of the officer, and greatly enhanced his responsibility, while no mention whatever was made of the position of the officer. His attention was called to the subject. He did not suppose that the late Government had any intention to do injustice to him as one of the Examiners, because he was their political opponent, nor did he believe that they intended to act less liberally towards the person who held this particular office than to any other officers of the Court. He and his colleague were therefore advised to bring the matter under the attention of the right hon. Gentleman the late Home Secretary. They did so, and that right hon. Gentleman gave the subject that attentive consideration which every one had reason to expect from him; and he said, whilst he was in office, that if a clause was proposed to meet the justice of the case, he would not offer any opposition to it. The law officers of the Crown said the same thing. A clause was consequently proposed, which did not originate with the persons who then held the office of Examiners, but was taken from an Act of Parliament which reconstituted and placed the office of Examiner upon a different footing in the 50 *Geo.* III. The clause gave the option to the persons whose duties were so far altered either to retire or to resume the office with a higher salary; and the Bill passed with that clause. Now, so far from that Bill having been passed at 12 or 1 o'clock at night, as had been insinuated, it so happened that it was passed in the middle of the day, after due notice of the same being given in the Votes. The clause also was brought under the notice of the Lord Chancellor, who saw no objection to it. He (Mr. Villiers) thought the hon. Gentleman opposite (Mr. Mullings) wanted to fix upon him something like an interested object in the matter. ["No, no!"] Well, he thought so. There was surely an imputation that he wanted to get more than he ought to have; but in answer to that he begged to say that he was not at all anxious for that part of the reform in the Court of Chancery effected last year, and which altered the mode of taking evidence, and the character of the office of Examiner. He stated in that House at the time, although he saw his own advantage in the change, that he did not think the measure had been duly considered, and he had stated that opinion with great confidence, and expressed a hope that this change might be more fully considered; and he believed that he was fortified in that view by the opinion of the late Lord Chancellor and one of the most distinguished of the Vice-Chancellors. Well, the Act, with this clause in it, came into operation. His colleague elected to take the increased salary provided for him, and he (Mr. Villiers) elected to take the retirement. The hon. and learned Member for Wallingford (Mr. Malins) had made a statement which he could not have known was true. That hon. and learned Gentleman had stated as a fact that he (Mr. Villiers) had kept the office of Examiner—which implied that he had received the increased salary—until he ascertained the fate of the Government. The hon. Gentleman intimated as a fact that he (Mr. Villiers) had waited until he was remunerated for the part he had taken on the subject of Free Trade, and that the Government had been found willing to recognise his services, by providing him with a retiring pension. Now, if this statement required any denial, he might inform the House that in the summer he was in very bad health; that he had gone to the Continent in consequence, and that he had returned to London in November, before the resignation of the late Government, for the purpose of claiming his retirement from the office of Examiner. Before the accession of the present Ministry to power, he gave notice that he intended to retire, and that without the slightest intention—or he might say the slightest wish—of obtaining any other office. The delay in availing himself of the retiring clause was owing to totally different causes. He was surprised that the hon. and learned Gentleman should have made such a statement, about the accuracy of which he was bound to have made some inquiries. The hon. Member for Cirencester (Mr. Mullings) now proposed, certainly in a very insidious manner, not by an avowed intention to repeal the Act passed last year, but by inserting one word and omitting another, to render the clause of last year granting the retiring annuity wholly inoperative as it affected him (Mr. Villiers), though it was contained in a measure which had been deliberately adopted by Parliament, and had become, like any other Act, the law of the land. If he (Mr. Villiers) had been absent from the country, he might have been deprived of that to which he was entitled under the authority of an Act of Parliament, by the insidious means to which the hon. Member had had recourse. No man's place, no man's property, would be safe if clauses were to be inserted in this way to disturb that which had been settled by previous Acts of Parliament. However, he was not afraid of the Amendment when his attention was drawn to it, for he felt sure, that upon a question of honour and justice, a man might always feel safe in the hands of a majority in that House. He would not say a word himself in favour of the course which he had thought proper to take in this matter—that had been kindly done by others; but he might say this, that on the day he resigned his office he placed a document in the hands of the solicitor of the fund upon which his retirement was charged, that precluded him from receiving it while he held his office.

MR. MALINS said, he could assure the right hon. Gentleman the Member for Wolverhampton that nothing was more distant from his mind than to say anything disrespectful of him. He could assure the right hon. Gentleman that the idea of his receiving at the time two salaries had never entered his mind. He thought the House would do him the justice to recollect that the position he contended for was this, that he was under the impression that from the death of Mr. Plummer, and the appointment of the right hon. Gentleman as Judge Advocate, they had only one Examiner, namely, Mr. Kenyon Parker, who was appointed to succeed Mr. Plummer, and that the gentleman who had been appointed to succeed the right hon. Gentleman was hanging, as it were, between heaven and earth.

The SOLICITOR GENERAL said, he trusted they would now pass to the real subject of discussion, which was simply this, whether with regard to the period for retirement the Bill should contain the words "twenty-five years" or "twenty years." The office they were dealing with was undoubtedly of a judicial character, and he knew nothing more injurious in practice than fixing the retiring pension of a judicial officer at a very late period of life, because the result most likely would be that they would have men in the office who would be incompetent, either from age or infirmities, to discharge the duties properly. His hon. Friend (Mr. Mullings) had pointed out the possibility, if they fixed the period at twenty years, of men who were appointed at a very early age being entitled to the retiring pension when they were still young men. He did not think such a circumstance was likely to occur; but to meet the objection, he proproposed to insert a proviso to the effect that no person should become entitled to the pension under the clause in question if he should be under sixty-five years of age, unless in case of permanent ill-health. It should be recollected that the patronage of the office was exercised by the Master of the Rolls, while the awarding of the pension was in the discretion of the Lord Chancellor, so the Lord Chancellor could not be supposed to have any wish to award the pension through the desire of having an opportunity to appoint a successor to the office. He trusted that his hon. Friend would be satisfied with this proviso, and withdraw his Amendment.

Mr. MULLINGS said, that he had not intended the slightest offence to the right hon. Gentleman (Mr. Villiers) in making the proposition. The fact was, that, having met the right hon. Gentleman in the lobby of the House, he asked him to say whether he was really entitled to a retiring pension? when the right hon. Gentleman, in reply, said, "Leave it to my own discretion." He then told him that he would not sanction with any Government, the principle of granting to any gentleman a retiring pension at the same time he was receiving a salary as Judge Advocate. He would not press his Amedment.

Mr. NEWDEGATE said, that as soon as it was stated that the right hon. Gentleman had declined to draw his retiring salary while he filled the office of Judge Advocate General, they all felt that such a course was highly honourable to him. He (Mr. Newdegate) never for one moment doubted that right hon. Gentleman's word; but the party with whom he (Mr. Newdegate) acted thought it was a very unsound principle to admit that a matter of so serious a character should be left simply to the discretion of any hon. or right hon. Gentleman who happened to be placed in the situation of the right hon. Member for Wolverhampton.

Amendment, by leave, *withdrawn*,

The House adjourned at a quarter after Twelve o'Clock.

HOUSE OF LORDS,

Tuesday, March 1, 1853.

Minutes.] Public Bills.—*Reported.*—Bail in Error.

3^a Law of Evidence (Scotland).

TRANSPORTATION.

The Bishop of MANCHESTER, seeing the noble Duke the Secretary for the Colonies (the Duke of Newcastle) in his place, begged to ask if he could give the House any explanation as to the intentions of Her Majesty's Government with respect to convict prisoners in Bermuda and Gibraltar; and whether any steps had been taken for assimilating the treatment of those convict prisoners to that of those of the same class at present in Portland. Misapprehensions of a serious kind had gone forth with respect to what had hitherto been the practice in those prisons, and it was highly desirable that some information should be given on the subject. He would, therefore, ask whether any, and what, arrangements were going on with reference to the new building for the reception of prisoners which was said to be erecting in Bermuda, and also whether any provision would be made for their separate confinement?

The Duke of NEWCASTLE said, that when the subject of the continuance of transportation was before the House a few days ago, he had stated, with reference to transportation to Bermuda and Gibraltar, that there was no intention on the part of Her Majesty's Government to make any alteration in the system of sending convicts to be employed on public works at those places. With respect to the other question of the right rev. Prelate, he (the Duke of Newcastle) had the satisfaction of informing him that the convicts now confined in hulks at Bermuda would rapidly be placed on the same footing with those who were now imprisoned on the more improved system to which the right rev. Prelate had referred as carried on at Portland. It was well known to those who had devoted attention to this subject, that it was impossible to maintain any proper system of discipline, or to ensure morality or health on board hulks. Until within a short time, by far the greater proportion of the convicts at Bermuda had been imprisoned on board the hulks; but the present Governor of Bermuda, Captain Elliot, one or two years ago, had called the attention of the Government to this subject, and, by the permission of Government, had purchased a small island called Boaz for the erection of a prison for the convicts. That prison had been erected on the most improved plan, and it was now so far completed, that already 300 of the convicts hitherto confined on board the hulks had been removed into it, and he trusted that before very long the remainder of the convicts would be placed there. It would be interesting to the right rev. Prelate further to be informed that this prison contained separate cells for each prisoner, and that the whole of the prison was lighted with gas. The right rev. Prelate had not asked him any question with reference to other convict establishments; but he (the Duke of Newcastle) was anxious to add, that so impressed was the Government with the conviction that it was desirable to limit as far as possible the number of convicts in hulks, that every attention should be paid to the accomplishment of that object. The space within which prisoners could be confined at Gibraltar was limited; but only one-third of the prisoners were confined in hulks. He hoped that it might become possible to remove the hulks from Gibraltar; but at present that desirable object could not be attained. As to the prisoners at Bermuda, he had only to repeat, that he hoped the present year would see them all removed to the new prison.

Lord CAMPBELL said, that as he was about to go on circuit in a few days to administer justice to Her Majesty's subjects, he hoped the noble Duke would allow him to put a question, though he had not given notice of it; it was, however, a question relating to the same subject—the punishment of transportation. He knew he should be asked by the grand jury in every county he should visit whether he could inform them as to what were the intentions of Her Majesty's Government with respect to the continuance of transportation as a secondary punishment; and he wished to know whether he should be able to say, that whatever difficulty there might be in sending convicts to the Colonies to which, till recently, they had been sent, the punishment of transportation would still exist, and that when he pronounced sentence of transportation for seven years, or for ten years, or for life, it would not be a mere mockery?

The Duke of NEWCASTLE thought there would be some inconvenience in giving a positive answer at the present moment, because he stated on a former occasion that great alterations, both in the law as regarded secondary punishments and in prison accommodation, must be made before any final arrangement of this very difficult question could be arrived at by Her Majesty's Government. At the same time, he thought it right to state to his noble and learned Friend, that, as at present advised, he (the Duke of Newcastle) could not but believe that it would be necessary, before a long period had elapsed, to bring the punishment of transportation to a close; because, he must remind his noble and learned Friend, when he said that, though it might be requisite to abandon transportation as regarded those colonies which were unwilling to receive convicts, yet convicts might be sent to some other place, where no such unwillingness existed; that, as regarded convicts sentenced to various terms of punishment, the Government did not need to go very far from home for a place of punishment, if that alone were required. He did not know that the suggestion which had recently been made with respect to an island on the coast of Great Britain, or in the Hebrides, would not answer the purpose; but he must remind their Lordships that, as at present carried on, the system of transportation (so called) was very different from that to which allusion was made. It embraced a system by which men who had undergone a certain amount of punishment, and had behaved well, received tickets of leave, and, after some time had elapsed, became incorporated with and absorbed into the free and pure part of the population. That was the difficulty; and his noble and learned Friend would see, that whereas all the colonies of Australia, except Western Australia, had protested against the continuance of that system, there were none of the more ancient colonies of this country, and none which had been hitherto free from the taint of convicts, who would not solemnly and strongly protest against the introduction of that class. Considering the social state of their colonies, where were they to look for any society into which convicts could be introduced, as they were formerly into Van Diemen's Land and New South Wales, and as they were now into Western Australia? What he had stated went to show the inconvenience of giving an answer to the question which his noble and learned Friend had put, because he must see how many subjects were to be considered before a final determination on the matter could be come to; but he confessed that he should be deceiving his noble and learned Friend if he did not state that, looking to the duty which Her Majesty's Government must perform to the Colonies of this country, he felt that he should not be acting in accordance with that duty if he were to say that they would continue the system of transportation in the form in which it had been hitherto carried on.

Lord CAMPBELL said, that it was most highly desirable the punishment of transportation should be continued. He took on himself to say, as a Judge, that if he pronounced sentence of imprisonment for life in England, the sentence produced no such effect as if he had said that the prisoner should be transported beyond seas; and, as the result of his own experience, he should state that if a period of imprisonment in England were to be substituted for transportation, it would be a miserable failure. He thought the system of *travaux forcés* would not succeed here. We could not force our convicts on respectable colonists who had settled in a colony; he did say that it was of vast importance to find some quarter of the globe where the advantages might be derived from the punishment of criminals by transportation, to which the noble Duke had referred, because part of the system was reformation, so that they should be employed, and become useful members of society. In the colonies there were many thousands who had been transported as convicts, but who were now earning their bread by honest labour, honourably maintaining their families, having their children well educated, and being themselves useful members of society. Had it not been for the punishment of transportation, not one of those persons would have been reformed.

The Earl of HARROWBY (who was almost inaudible) referred to the Falkland Islands as a place which had been thought a suitable receptacle for criminals, and was understood to indicate the physical character of those remote islands, and the circumstances in which convicts would be placed, but at the same time to qualify the representations given of the ultimate advantage that would attend the transportation of criminals thither. The subject was one which must be considered in various relations. With respect to convicts re-entering society, there were difficulties in the Colonies; but there were still greater difficulties in their procuring employment in a thickly-peopled country, where honest men found it hard to gain a livelihood. The vast proportion of those who had gone out to the Australian colonies as convicts had had the opportunity of procuring honest employment; but he doubted exceedingly whether they could have succeeded in gaining a livelihood in our own thickly-populated country. He did not pretend to dogmatise on the subject, or to say that it was free from difficulty; but he wished to urge on their Lordships that there were two sides of the question, and that there were resources of which the Government might avail themselves.

Lord MONTEAGLE expressed his concurrence in the opinion of his noble Friend; it was pre-eminently true that the subject was one which must be considered in its various relations. Their Lordships had to consider the interest of the colonies, undoubtedly, but not exclusively; there was nobody, whatever difficulties might be incident to keeping at home the whole criminal population, who would not be ready to say that transportation should cease to colonies advanced in civilisation. Our present system of transportation was injurious to many colonies; and colonists under such circumstances, whose interests were undoubtedly to be considered, declared that they would no longer receive our convicts. There were, however, very different cases. It was assumed that the Falkland Islands were entirely uninhabited — that they were as destitute of men as they were of trees; and therefore the mere sending the convicts to those islands did not seem to present any difficulty. The real difficulty was with regard to imprisonment at home. Supposing such system to be effectual, with his usual sagacity his noble Friend had asked what was to become of the prisoners whose term of punishment had expired? If they were to be set at liberty, but exposed to every possible temptation, and brought into contact with all their habitual associates in vice, society was not discharging its duty. On the other hand, if they brought the convicts into a colonial society liable to be contaminated by such association, the State would not be held to perform its duty by that society. The question stood in a most unfortunate position. By dealing with the principle of transportation as had been done, they had made it hateful and odious to the greater part of their colonial possessions, who otherwise might have sought the assistance of that convict labour which they now rejected. Proof of this was to be found in the correspondence from the

Cape, previous to that fearful resistance to authority which was almost tantamount to a declaration of war against the mother country Antecedently to that event, there were applications made to the home authorities, expressing a willingness to receive our convicts if they were employed not in the midst of the civilised parts of the country, but in works that would prepare the way for civilisation in other parts of the country—employed, as had been well said, as pioneers of civilisation; and then by the time their sentences had expired, not only would improvements have been effected, but many of the convicts would turn out good members of society. But to proceed as we had done, pouring the whole stream of convict population into one colony, Van Diemen's Land, against the will and the entreaty of its inhabitants, was the very course to be taken if we had in view the purpose of making the convict system odious all over the world, detestable to the colony, and disgraceful to ourselves. He hoped it might be taken for granted, in consequence of what had passed some years back, that no change in the administration of the law so great as that of putting an entire and final stop to transportation could be attempted without first obtaining the sanction of the Legislature. It was at one time said that as incidental to the prerogative of the Crown it was competent to the Government to make alterations of that kind without an Act of Parliament; it was stated that by an exercise of the prerogative an alteration had been made with respect to the seven years' transports, and that such convicts were not now transported; but a noble and learned Lord (Lord Brougham) had interposed, and the result of the Committee which he moved, was a general admission that, whenever such change was made, it could only be made legally by Act of Parliament. If so, the question having to be discussed in the shape of a proposition for a Bill, if to be discussed at all, he would only add, that we must not only look to the mere question of transportation, but also to the proposed alternative. We should profit in such inquiry by the experience of foreign countries, and consider well what was likely to be the consequence of letting loose these *classes dangereuses* upon the country after a certain term of imprisonment. We should consider what sort of class the *forçats* would be likely to form. They might have certificates of good conduct from keepers of penitentiaries; but would any man give employment to discharged convicts while there were in his neighbourhood men untainted with crime seeking work and unable to obtain it?

Lord BROUGHAM observed, that on the occasion to which the noble Lord had just referred, and which had led to the appointment of a Committee, it was admitted that when the law denounced one punishment for a certain offence, and the Court had applied the law and pronounced the punishment which the law awarded, it was not in the power of the Crown afterwards to alter that to a sentence which, if it had been originally pronounced by the Court, would have been error in law and of no force. But on that occasion a Committee of that House was appointed, which sat for many weeks, and made a report, which he had not had occasion to look at since, but which he thought he might safely state was unanimous; and, though many Members of the Committee entered upon the inquiry adverse to transportation, and desirous of its being abandoned, yet the more the Committee inquired into the matter the more unanimous they were (if one might so speak, as if there were degrees of unanimity)—the more clearly and firmly were they of opinion that we could not for the present, at least, dispense with transportation. The subject was one of great difficulty and importance, and well deserved to be fully and deliberately weighed and discussed; and it was unfortunate that the House should be brought to such a discussion only incidentally. The difficulties were enormous both of continuing transportation and of giving up transportation; and he (Lord Brougham) protested he hardly knew whether he did not consider the difficulties on the one side pretty nearly balanced by the difficulties on the other. But he would fain hope, whatever system was adopted as a substitute for transportation, should it be abandoned, that the introduction of what were called *travaux forcés,* and falsely called the penitentiary system, would not be resorted to; though, at the same time, he would not say that secondary punishment might not be so framed as to meet the principal objections to the continental system of the galleys or *travaux forcés.*

Lord WHARNCLIFFE considered it a very great defect in our present system, and one that must be remedied in any substitute for it, that the quarter to which criminals were sent should be a place of attraction to convicts. In spite of the opinion given by the noble and learned Lord, he had not the slightest doubt that transportation had lost much of its terrors, and that, with respect to a great number, the prospect of a free passage to the neighbourhood of the gold districts, with the chance of an escape or the hope of an early release, was at this moment rather an attraction than the contrary.

LAW OF EVIDENCE (SCOTLAND) BILL.

Bill read 3^a.

LORD BROUGHAM said, it gave him the greatest satisfaction that this Bill was now passed and could be sent down to the other House, and he trusted it would speedily become law. It would make the Scotch law of evidence identical with that which was now the English law of evidence, with the exception of one slight addition, in which there was an improvement on the existing English law, but only for a very short time, as he was perfectly confident that the clause in his Bill making that the law of England also would be allowed to pass.

Bill *passed*, and sent to the Commons.

BAIL IN ERROR BILL.

LORD CAMPBELL, in moving that the House should go into a Committee upon the Bail in Error Bill, said, he would take the opportunity of briefly pointing out its principal provisions. It was a measure which nearly concerned the administration of justice, and, indeed, the liberty of the subject. It had long been the reproach of our law that after a conviction in a case of misdemeanor, where a sentence of imprisonment was pronounced and a writ of error was brought, the defendant was sent to prison, and there remained while the writ of error was pending; and it sometimes happened that he was discharged from prison after having undergone the full term of his imprisonment, before the writ of error had been decided in his favour. That grievance had remained unredressed until the year 1845. At that time the case of the late Mr. Daniel O'Connell had been heard. Mr. O'Connell had been in prison while a writ of error had been pending before the House of Lords, and it had then been proposed that the law should be altered; but his noble and learned Friend (Lord Lyndhurst) thought that it would not be advisable to alter the law until that writ of error should have been decided. Mr. O'Connell had accordingly remained in prison until that House had determined that the judgment against him had been erroneous, and then he was discharged. But he had suffered imprisonment for some months, although that House had thought that his sentence could not be justified. That circumstance had caused considerable scandal; and his noble and learned Friend (Lord Lyndhurst), who had always been an earnest and effectual friend to law reform, had introduced a Bill by which it had been enacted that if a writ of error should be brought by the defendant in case of misdemeanor, and gave bail that he would surrender in case the judgment against him should be affirmed, he should in the meantime be discharged out of custody, and enjoy his liberty. That Bill had proceeded upon an excellent principle, but, unfortunately, it had been rather defective in its provisions; for no special care had been taken that the prisoner who had been discharged should be recaptured when the decison was affirmed, and the consequence had been that in almost every instance in which bail had been given, the prisoner had escaped. One object of the present measure was to remedy this defect, and to take care that the defendant should always be forthcoming. According to the former Act he was merely required to surrender if the judgment should be affirmed: it was now proposed that he should from time to time, upon notice being given to him, make an appearance at every stage of the proceedings. Another evil in the Bill of Lord Lyndhurst was one of a character which had produced great perversion of justice. That Bill enabled defendants to tamper with prosecutors; and in various cases in which there had been convictions for atrocious crimes, the defendants, by bringing writs of error, had been admitted to bail, and had made up their differences with the prosecutors by giving them sums of money. The prosecutors afterwards did not appear, and the writs of error were necessarily decided in favour of the previously convicted parties. In one case several persons had been tried before him (Lord Campbell) at Westminster, and had been convicted upon the clearest evidence; but a sham writ of error had afterwards been brought, a compromise had been entered into with the prosecutors, who did not join in error, and the convicted parties had necessarily been discharged from custody. In order to guard against that evil, it was provided in the present measure that no reversal of the decision of the Court before which a case had originally been tried could take place until notice had been given to Her Majesty's Attorney General, and until he had certified to the Court of Error that he had received such notice, and that he concurred in the discharge of the prisoner. He (Lord Campbell) hoped that that provision would effectually put an end to compromises such as those to which he had referred. There were also in the Bill other clauses of a less important, but still, as he believed, of a useful character.

House in Committee.

Bill *reported* without Amendment; Amendments made; Bill to be read 3^a on *Monday* next.

RAILWAY ACCIDENTS AND RAILWAY MANAGEMENT.

The EARL of MALMESBURY said: In moving for returns with respect to the railway accidents which occurred during the year 1852, according to the notice which I gave your Lordships last night, I think I am not travelling out of the wake of public opinion if I direct the attention of your Lordships and the attention of Her Majesty's Government for a few minutes to this subject, which has certainly of late occasioned considerable interest in the public mind. There exists throughout the country a strong feeling, in which, I must say, that I myself participate, that these railway accidents have been increasing lately, and are still upon the increase. I think your Lordships must be under the same impression, and that you must entertain a strong opinion that during the last year more railway accidents occurred, and a greater sacrifice of life took place, than we had heard of in any preceding year. There is scarcely a week in which we do not read in the public prints lamentable accounts of these accidents, entailing mutilation and death upon a great number of individuals. But I do not think I should have troubled your Lordships upon this occasion if I were not certain of the public alarm that now exists upon this subject, and of the general belief which prevails, not only that the manner in which railways are managed is extremely dangerous to passengers, but that every effort that might be made is not made to prevent a recurrence of those dreadful casualties. I believe there is a strong feeling in the public mind that some third power between the public and the railway directors should be exercised to protect, upon the one hand, industry and capital as they ought to be protected in a great commercial country, and to protect, upon the other hand, the Queen's subjects from such injuries as might by proper precaution be avoided. We seem really to have now returned to the same state of feeling with respect to the perils of travelling which prevailed among our ancestors sixty years ago. At that period, when they proceeded from Edinburgh to London, they insured their lives and made their wills before entering upon a journey which was considered so precarious, and which usually occupied about a fortnight. And what is the state of things now? The opposite extreme, as regards the rapidity of travelling, has been arrived at. We now travel with the most wonderful celerity. But in other respects extremes have met, and people before they engage upon a railway journey or excursion insure their lives almost as if they thought they were going to the Antipodes. There is something ludicrously tragical in the mode in which a person who has paid for the ticket which was to guarantee his arrival at the end of his journey is led to insure his life. When he has got his ticket he smilingly looks round, and sees the bills announcing the arrival and departure of the trains; and by their side he sees posted—I must say with the most ingenuous candour on the part of the directors—another bill by which he is invited in the most seductive terms to insure his life, as a duty which he owes to his wife, his children, and his friends. A man might then be said to enter the railway carriage, impressed with the notion that he should never again see those friends; and that they would never again see him, or at least that they would only see him as a shapeless corpse; he acts upon the advice and insures his life. That is the general feeling among the great mass of the people of this country who travel by railway; and I am informed upon good authority that the company which thus insures the lives of travellers, gave to the shareholders at the period of their last dividend something like 7 per cent. The public think that they are at the mercy of the railway companies. I do not know whether or not they are; but certainly a very great change has taken place in the relative position of the travelling public now and the railway companies, as compared with the relative position of the travelling public and the old coach proprietors and owners of post horses. The old coach proprietor and post-horse master stood hat in hand before the public, while now the public stand hat in hand before the railway companies and directors. The management of the details of locomotive business of the old coaches was formerly in the hands of a class of men of inferior education and position—I mean the ostlers; but the business, which was formerly in the hands of the ostlers, is now placed in the hands of highly-educated gentlemen, some of whom are of distinguished rank and leading Members of Parliament. These men are certainly not responsible to the public in the same way in which their humbler fellow ministers to the public wants formerly were when conducting the details of coach travelling. I think that this is a subject that ought to attract the attention of every Government, and that the time has arrived when the Government ought to consider whether they can tranquillise the public mind upon this matter—when they ought to consider whether means cannot be taken to enforce certain rules and regulations, and to effect certain improvements in railway travelling, without trenching at all upon the rights of the companies, as commercial or trading associations—but which will tend to the safety and security of Her Majesty's subjects. There are many details connected with this question which I will not now press upon your Lordships' consideration; but there are one or two points which must strike every one very forcibly, and to which I shall briefly refer. All the accidents of a slighter nature that occurred this year — the collisions, which, while they inflicted some injury upon the person, led to no loss of life, and merely caused bruises, and contusions, and concussions of the brain, and trifling accidents of that description, have been invariably effected, I believe, by two persons who were sitting opposite to each other having been thrown together with more or less violence. On the Brighton line in the month of December last an accident occurred, by which eighteen or nineteen persons were severely injured on their heads and faces by having been so thrown together in two compartments of a railway carriage. I saw those unfortunate sufferers, very soon after the accident, some of whom had been thrown with so much violence that they were severely injured; while one of the travellers, who had no *vis-a-vis*, had been thrown against a soft cushion, and the result was that he had escaped unhurt. I mention that fact because it has been suggested that the carriages might be made—and I think the suggestion a very sensible one —to contain a number of persons in a row without any other persons being placed opposite to them, and that the partition opposite to them should be stuffed. The carriages of course would be very much narrower than at present, and formed somewhat like the *coupé* of a *diligence*, but without windows in front. I am aware that you could not put the companies to the expense of making new carriages all at once; but you might have some controlling power which, as the old stock wore out, would gradually enforce that or any useful discovery that might be made in the construction of carriages. There is another point which has of late occupied very much of the public attention, and in which the safety of the lives of travellers is very much involved, but which on many lines seems to be left entirely out of the question; I allude to the want of punctuality in the arrival of railway trains. When first railway carriages were started, the time-tables issued were very well observed; but nobody is now astonished at finding that he arrives at the end of his journey, one, two, or even more hours, after the time announced in the printed tables of the railway. The railways abroad are infinitely superior to ours in this respect, and I must say that I think some effort might be made to remedy to a great extent that evil, although it would of course be impossible to insure constant punctuality in the arrival of trains. But I believe that there is still a more important point; and that is, that a certain communication should as a matter of obligation be estab- between the metropolis and the principal towns of this country. Such a communication does not at present exist; and I can give you an instance of it from my own knowledge, which, I think, is one of the most inexcusable acts of arbitrary power that could be witnessed in a civilised country. During four months of this winter the whole of the county of Dorset, and a great part of the south of Hampshire, were, I may say, excommunicated from London, for there was no day train from Dorchester before twelve o'clock except one which left at six in the morning; so that no person in Dorsetshire, during the winter months, though the distance is not more than 100 or 130 miles, could reach London in sufficient time to pass through the metropolis unless he arose at four or five o'clock in the morning. The result of the arrangements made by the railway company was, that my noble Friend at the head of the Post Office (Viscount Canning) said that he could not give us in Dorsetshire a day mail, which the whole of that district had enjoyed for two years. This was the result of the caprice—for I can give it no other name, as no reason was given for the change—of the railway directors; while the only reason that could be adduced for those arrangements was the caprice of the directors. My noble Friend said he had no authority over the departure of the trains which carried the mails; so that we were entirely at the mercy of the managers of the company. On the same line there was what I might almost call an outrage. A parliamentary train started from Dorchester at six in the morning, full, no doubt, of persons of the poorer classes; and those persons, during the four winter months, were kept four hours waiting in Southampton until the company chose to start another train for them. Your Lordships can easily imagine the expense and discomfort to which these poor people were thus exposed—expense arising out of the necessity of providing themselves with provisions during the delay, and discomfort arising out of the fact that they were provided with no proper resting-place during those three hours. These are things which, I think, require the interference of the Government. We have so far protected the interests of the poor as to obtain for them cheap trains; but I think we ought also to protect them by providing for their removal from one terminus to another without any unnecessary inconvenience or delay; and that the companies ought not to be allowed to subject the passengers by such trains to expense, and cold, and inconvenience for no reason whatever in this case, so far as I can learn. I was asked by many of my brother Members of this House living in that county to make a representation to the directors of this railway. The directors admitted the existence of those grievances; they confessed there could be no reason why there should be only three trains from Dorchester to London, and four from London to Dorchester; they confessed the cruelty of keeping these poor people in Southampton; they confessed the hardship of taking away from a district only 100 miles from London its daily post; but they said they could not remedy those evils; the only reason for their mode of proceeding being *sic volo, sic jubeo*. That is the only answer that could be got from a power that is perfectly arbitrary. I inquired of the station-masters and other persons conversant with the working of the system, and they all said that there was no necessity whatever for those evils, which were owing to nothing but a little want of management. Well, I think we ought not to be exposed to that want; and I would urge on Her Majesty's Government the necessity of considering whether, without infringing on the rights of those companies, or interfering with their profits—and I have always been anxious that they should have large profits, and have always thought it would be bad policy to impoverish them by reducing their charges to the lowest possible scale—I would urge on Her Majesty's Government the necessity of considering whether they could not devise some remedy for those abuses. I think it is incumbent on them, and that they could not do a more popular act than to investigate grievances which have become the subject of conversation in every society, and which I have now taken the liberty of bringing under your Lordships' consideration. Everything I have said upon the subject has come under my own observation, and I can answer for the truth of every statement I have made. In conclusion, I beg leave to *move*—

"That there be laid before this House returns of the number of passengers and railway servants killed or injured by accidents, from the 1st of January, 1852, to the 1st of January, 1853."

LORD VIVIAN wished to know whether the Government had the power of stopping the traffic on a line which was in a dangerous condition?

LORD STANLEY OF ALDERLEY, in answer to the question of the noble Earl, said he conceived that when a railway was once opened there was no power on the part of the Government to interfere with it in any way, or to stop the traffic upon it. The powers given by Parliament to the Board of Trade, or the Railway Commissioners, enabled them, before a railway was opened, to send an inspector, who should certify that the road was in a fit state to be safely worked for the accommodation of the public, and until such certificate was given no railway could be opened. With regard to the subject which the noble Earl had brought under their Lordships' attention, it was undoubtedly one well deserving consideration. He agreed with the noble Earl, that though it might be contrary to the ordinary principles of commercial policy for the Government to interfere with such bodies as railway companies and their transactions—bodies which represented the enormous capital of 250,000,000*l.*, or more than one-fourth the amount of the national debt—yet in this, as in other cases, their maxim should be, *Salus populi suprema lex.* If it could be proved that the real security of the public would be promoted by direct interference on the part of the Government, it would be very proper that the additional powers which were necessary should be given to them; but he must caution Parliament to be very careful before they relieved railway companies from the responsibility which properly attached to the parties who worked the lines and carried on the details of the traffic. If Parliament relieved the companies from responsibility by giving to a department of the Government the power and the obligation to prescribe for them exactly what course they were to take to secure the safety of the public, the companies, if they attended to such directions, might consider themselves relieved from all liability; whereas if they left the companies the responsibility of working the lines, they would find, that under the Act of the Lord Chief Justice—which gave to persons injured by accidents the power of recovering compensation in cases where the accidents had arisen from any neglect on the part of the companies—their responsibility was by no means trifling. The noble Earl had called attention to some matters of inconvenience to the public, and had mentioned, as one case, that when a railway collision took place, the passengers who sat on opposite seats knocked their heads against each other, and that serious injuries were caused. He (Lord Stanley) did not know whether the noble Earl proposed to put the passengers into boxes similar to those provided for horses, or what other mode he would adopt for preventing the usual results of such accidents; but all such matters would more properly be left to the regulations of the companies, and could hardly be considered as subjects for legislation. The noble Earl had alluded to the powers of investigation with regard to railway accidents. Now, there was a power of investigation on the part of the Board of Trade. When an accident occurred, the Board of Trade sent down an inspector to inquire into the circumstances and report to the Board, and on receiving the report the Board made such suggestions as they thought fit to the railway company; but they had no power to compel the companies to carry into effect those suggestions, but Parliament might fairly consider whether it ought not to give such power. He thought it would not be desirable at present to enter into any discussion as to the mode in which railways were conducted, inasmuch as a Committee had been appointed by the House of Commons, on the Motion of the late President of the Board of Trade, to inquire not only into the question of the amalgamation of different railways and canals, but also into the principles upon which railways should be conducted and managed. The whole of that subject had been referred to the Committee, and until that Committee reported he thought it would be unadvisable and inexpedient to discuss more particularly those matters which the noble Earl regarded as dangerous to the public safety. With regard to the returns for which the noble Earl had moved, he (Lord Stanley) did not think there would be any objection to their production. They were, in fact, the reports ordinarily laid upon the table every year. These reports, however, could not be prepared, he believed, until after Easter, and they had not generally been laid upon the table until May, June, or July. As to the reports relative to the particular accidents which occurred last year, he believed there would be no difficulty in their production.

On Question, *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 1, 1853.

Minutes.] Public Bills.—1° Mutiny; Morine Mutiny; Jewish Disabilities.
3° Inland Revenue Office.

WEST LONDON WATERWORKS COMPANY BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. BARROW said, he should move that the Bill be read a second time that day six months. Parliament had imposed duties on the existing companies which they ought to be allowed time to fulfil; and no new water company ought to be sanctioned until the House had seen the effect of the present arrangement.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir JOHN SHELLEY said, that he hoped this Bill would be allowed to go before a Committee.

Lord SEYMOUR said, that there was

this objection to the Bill going before a Committee, that the whole subject of the supply of water for the metropolis had been already examined by a Committee. If the present water companies could not properly supply the metropolis with water, Parliament ought to abolish them and entrust the duty of providing an efficient supply to some municipal body. He hoped that no other company would be allowed to be established, as its existence would only add to the difficulty of the ulterior measures which might be necessary in the event of the private companies being hereafter found incompetent to meet the requirements of the public.

Sir BENJAMIN HALL said, the great opponent of this measure was the Grand Junction Canal Company; and why? Because a new company would destroy the monopoly which the Grand Junction Company at present enjoyed. The noble Lord (Lord Seymour) had spoken of sweeping away the present companies. Why, they ought to have been swept away long since. They had long enjoyed a most unjust monopoly.

Mr. BOUVERIE said, that last Session it was attempted to put the existing water companies under regulations for the benefit of the public. The House was now asked to break faith with those companies before there was any opportunity afforded to the companies to show what the result of that attempt would be. He should vote against the second reading.

Lord JOHN MANNERS thought it would be unwise for the House to sanction the introduction of another competing water company into the metropolis. A Committee of that House took the whole question of the metropolitan water supply into the fullest consideration last year; and an engagement having been entered into with the existing companies, who had agreed to expend a large amount of capital, nearly 1,000,000*l.* sterling upon improvements, and were to be allowed three years to carry their arrangements into effect, it would be a moral injustice for the House now to depart from that engagement.

Mr. WILKINSON said, he must protest against the doctrine laid down, that because Parliament had placed the old companies under new obligations, it had no right to sanction any fresh scheme.

Sir JOSHUA WALMSLEY wished to state that the supply of water under this Bill was to come from an entirely new source, in fact, from an artificial well; and it was the opinion of competent authorities, that the water would be of a very superior kind. He had heard no reason urged against referring the Bill to a Committee, except that the scheme would interfere with the monopoly of the existing companies.

Lord DUDLEY STUART said, the opposition got up against this Bill was on behalf of a monopoly by the metropolitan water companies. Having got their own Bills passed last Session on the most advantageous terms—terms which were very injurious to the ratepayers and inhabitants of the metropolis—they did their utmost to prevent any other company coming into the field.

Mr. BROTHERTON said, that in some instances competition was beneficial, but in others it was injurious. He thought that in the present case competition would be injurious.

Mr. HUME said, he wished to state to the House, for their guidance, this fact—that the water companies in Marylebone were originally independent of each other, and it was understood that they were not to combine. But no sooner did those companies get their Bills than they did combine, and divided the metropolis into divisions, to which they afforded a limited supply of water. He originally paid 3*l.* a year for his water supply, but it had been since raised to 11*l.*

Lord ROBERT GROSVENOR thought that as there were other water companies besides this, the Government ought to inform them whether or not they had any *locus standi*, or if they were precluded from bringing their Bills before the House.

Question put, "That the word 'now' stand part of Question."

The House *divided*:—Ayes 99; Noes 93: Majority 6.

Main Question put, and *agreed to.*

Bill read 2°, and *committed*, and referred to the Committee of Selection.

CAMBRIDGE ELECTION.

Mr. VERNON SMITH appeared at the bar with the Report of the Select Committee of Inquiry on the petition against the return for the Borough of Cambridge. The Report stated that the Committee have determined that Kenneth Macaulay and John Harvey Astell, Esqs., were not elected Burgesses to serve in the present Parliament for the Borough of Cambridge; that the last Election for the said Borough is a void Election; and that the Select Committee had come to the following Resolution: — That Kenneth Macaulay and John Harvey Astell, Esqs., were by their agents guilty of bribery at the last Election. He had further to state that the Committee were of opinion there was reason to believe corrupt practices had extensively prevailed at the last Election for the Borough of Cambridge.

Report to lie on the table.

THE COLONELCIES OF THE FOOT GUARDS.

COLONEL LINDSAY had a question to put to the right hon. Gentleman the Secretary at War with reference to a statement which had been made by the hon. Member for Montrose (Mr. Hume) on the preceding evening, that no reduction had taken place in the emoluments attaching to the Colonelcies of the Grenadier Guards, in accordance with the recommendations of the Committee which sat upon military affairs in 1833. He wished to ask whether or not the recommendation of that Committee had been carried out?

MR. SIDNEY HERBERT said, he was very glad that the hon. and gallant Colonel opposite had asked him this question, because it would give him the opportunity of making a short statement, which he hoped would be satisfactory to the House, and which, he thought, was owing to the character of his Royal Highness Prince Albert. It was quite true that in the report of the newspapers that morning giving an account of the observations made by his hon. Friend the Member for Montrose, it did appear as if that hon. Gentleman had asserted that his Royal Highness was enjoying the same emoluments as had been received by the late Duke of Wellington, although the Committee of 1833 had recommended that upon any future appointment those emoluments should be reduced. So far, however, as his memory served him, this was an inaccuracy in the report. The hon. Member had not complained that the emoluments had not been reduced, but had said that the colonelcy of the Grenadier Guards, as the Committee recommended, should have been retained as the reward of veterans who had seen long service. So much as to what had last night fallen from the hon. Member for Montrose. But for the right understanding of the facts of the case, it was important to call the attention of the House to what really were the recommendations of the Committee. First of all, let him say that the recommendations of the Committee, so far as regarded the amount of emolument of the three colonelcies of the Guards, had been strictly carried out, and, this being the first year during which the command of the Grenadier Guards was vacated by the death of the Duke of Wellington, the emoluments attached thereto had been for the first time reduced in accordance with the recommendations which the Committee had given. Now, upon turning to the recommendations of the Committee in question, he found that his hon. Friend the Member for Montrose was not quite accurate in his recollection of what the Committee recommended. He (Mr. S. Herbert) had no doubt it was perfectly true that the views of his hon. Friend were actuated by some of the arguments which might have been used in the Committee in favour of retaining the commands of the regiments in question for officers of very long service; but no such recommendation was made by the Committee. If the House would allow him, he would state what their recommendation was. The Report of that Committee, after stating that they recommended that the emoluments of the Grenadier Guards should be reduced from upwards of 4,000*l.*, which they then were, to a sum which they computed would amount to 3,000*l.*, and that the two other colonelcies should likewise be reduced until they amounted to 2,000*l.*, went on to say—

> "This Committee are of opinion that, taking into consideration the great and glorious services of the Duke of Wellington, an exemption should take place in his person from the operation of the rule, and that no change should be made in the emoluments of the Grenadier Guards so long as His Grace shall continue to hold the colonelcy."

That was the whole of the recommendation of the Committee, and there was, therefore, no mention, one way or the other, as to the manner in which the Crown should dispose of the regiments. He might also add that this was a case for the discretion of the Crown, and not for the consideration of the Committee. The fact was, that it had been the practice from time immemorial to give the colonelcies of these regiments to members of the Royal family. Since 1805 there had been ten vacancies in the colonelcies of the three regiments of Guards; and out of those only four had not been bestowed on members of the Royal family, the Duke of Wellington, who held one of those commands, being, of course, an exception to all rule. He would also point out to the House that if there had been any such understanding as that alluded to—he would say that recommendation there was none—it would have been carried out at an earlier period, ten years ago, when his Royal Highness Prince Albert was first appointed to the command of the Fusileer Guards. Instead of this, twenty years had elapsed since the Report of the Committee, and to the first appointment made after the publication of that Report, which would have been the time to call attention to the circumstance, no objection was taken, nor was there any expression of opinion on the part of members of the Committee. His Royal Highness Prince Albert was the senior colonel of the Guards when the Duke of Wellington died, and it was natural, therefore, that he should succeed to the vacant colonelcy of the Grenadier Guards. The House would permit him to say this with regard to his Royal Highness—that during the time he held the appointment of Colonel of the Fusileer Guards he never drew to the full amount of the 2,000*l.* which it had been intended by the Committee should be the emolument of the post; and his Royal Highness, who took a very great interest in the comforts of the men, had always behaved personally with great liberality with regard to that regiment. He thought it was but right he should call the attention of the House to the fact that his Royal Highness was appointed ten years ago to the colonelcy in the Fusileer Guards, that no objection was taken to the appointment then, and that the succession of his Royal Highness to what he might call the senior colonelcy of the Grenadier Guards had been in the ordinary course of military promotion. He (Mr. S. Herbert) was anxious to make this statement for the sake of Prince Albert and of the Duke of Cambridge, who stood upon the same ground with his Royal Highness, and who had proved himself a most active, zealous, and efficient officer. He confessed he should have been pained if, from any observations which were made in that House, an imputation totally undeserved should appear to have been cast upon his Royal Highness Prince Albert, and if his position as Colonel of the Grenadier Guards should have been the cause of his appearing to the public in a light which was certainly the very reverse of that in which he was entitled to stand—entitled by that sense of public duty and by that public spirit which had always marked his Royal Highness, and which had justly endeared him to the people of this country.

Mr. HUME said, what he had asserted was, that when the Committee of 1833 came to the question of leaving the emoluments of the Duke of Wellington untouched, but determined that a change should take place on his death, which was the only thing they could look to, the point then arose, and a recommendation to that effect was proposed by an officer connected with the Navy—would it not be fair to reserve the appointments to the Guards for men of long services and of the highest professional character? Although the divisions which took place in the Committee were not given in the Report, it was on that ground, and on that ground alone—and the right hon. Member for Coventry (Mr. Ellice) would confirm the statement—that the Report of the Committee was made; and therefore he repeated, that the intention of the Committee at that time had been violated by allowing Prince Albert and the Duke of Cambridge to fill these appointments. He begged to say that in making these observations he had not intended to throw any reflections upon either of their Royal Highnesses. On the contrary, he had stated his belief that Prince Albert had done honour to the situation he filled; but still that was not enough to warrant him in being placed over the heads of others whose services had been of longer duration; and he blamed the Government of the day and the parties who ought to have carried out the intentions of the Committee.

Mr. SIDNEY HERBERT said, he had no doubt the hon. Member's recollection was correct; but the hon. Gentleman must remember that the intentions of the Committee were only to be judged of from their Report.

Mr. HUME said, that they had had the authority of the Secretary at War of the day, who had concurred in the opinion he had expressed.

FOREIGN REFUGEES.

Lord DUDLEY STUART said, he would now put the question of which he had given notice, and though the noble Lord the Member for London was not present, he trusted he should have an answer from some other member of the Government. It had been very currently rumoured that demands had been addressed by certain Foreign Powers to the Government of this country for the removal or expulsion of certain political refugees who had come here for an asylum. He would wish to ask of the Government whether there was any foundation for the rumour, and what was the course it was intended to pursue should such an application have been made?

Viscount PALMERSTON: Sir, in answer to the question of the noble Lord as to whether an application has been made by Foreign Powers to the Government of this country for the expulsion of foreign refugees now living in the United Kingdom, I have to state that no such application has been made. In reply to the other question of the noble Lord, as to what course would be pursued in the event of such an application being made, I can only repeat that which I think has been stated on former occasions in this House, that any such application would be met with a firm and decided refusal. It is, indeed, obvious that it must be so, because no such measure could be taken by the Government of this country without fresh powers by Act of Parliament; and I apprehend that no Government could, even if they were so inclined—and the present Government are not so inclined—apply for such a power with any chance of success, inasmuch as no Alien Bill, I believe, either in former periods or within the course of this century has been passed ever giving to the Government the power of expelling foreigners, except with reference to considerations connected with the internal safety of this country. The British Government has never undertaken to provide for the internal security of other countries; it is sufficient for them to have the power to provide for the internal security of their own. But I cannot confine my answer simply to that statement. I will ask to be allowed to add, that while, on the one hand, the British laws and the spirit of the British constitution give to foreigners, of all political opinions and of all categories, a secure and peaceful shelter within this country, I think that those foreigners who avail themselves of the hospitality of England are bound by every principle of honour, as well as by every regard, not only to international law, but to the law of this land—are bound to abstain from entering into any intrigues, or from pursuing any courses, intended for the purpose of giving umbrage to foreign Governments, and of disturbing the internal tranquillity of any foreign country.

PROBATE AND LEGACY DUTIES.

Mr. W. WILLIAMS said, it would be in the recollection of the House, that when the late Chancellor of the Exchequer brought forward his Budget, he (Mr. Williams) proposed as an amendment to that part which increased the duty on houses, that the deficiency should be supplied by an extension of the probate and legacy duty to real property. In deference to the expressed wishes of the House, he withdrew his Motion, stating at the same time that he would take the earliest opportunity of introducing it again as a substantive Motion. It had been to him a matter of great surprise that the country had so long permitted the exemption of real property, which consisted of freehold land, houses, lay and impropriate tithes, manors, quarries, and mines, from the payment of legacy and probate duty, while those duties were imposed on every other description of personal property. Thus when all other property was compelled to pay the tax, this property was exempt from probate. It was in consequence of this, legacies charged on land being generally left to the younger children of the landed aristocracy, that the owners were enabled to evade the law. But, although it was unjust to exempt these classes from the payment of probate duty, it was still a vast deal a greater hardship to exempt the first inheritor of land from the payment of any duty whatever. But in short the Acts of Parliament which imposed these duties were from the beginning to the end a violation of every principle of common honesty, to prove which, he would give one or two examples, out of a great many which he had prepared. The Act which imposed the probate and legacy duties was passed in 1796. Mr. Pitt, apprehending successful opposition from Members of both Houses of Parliament to subject their estates to those taxes, brought in two Bills—one to subject personal property to pay them, and the other to impose the same duties on real property. On the introduction of the first Bill, Mr. Fox objected to the separation into two Bills. He said—

> "There was a great deal of force in the objection about not bringing forward the other Bill, with regard to the tax on landed property. He saw no good reason why they should be separated, but many why they should be kept together."

Mr. Pitt agreed that the principle on which the two Bills was founded was much the same, and if this Bill passed it would be very desirable that the principle should be extended to real property. The first Bill passed with little or no objection, only sixteen voted against it. It passed the House of Lords without opposition, and soon received the Royal Assent. That Bill having been secured, the other Bill was proceeded with to impose the same duties on real property; on which occasion Mr. Pitt said that—

> "The principle of the Bill having been already recognised in the personal property succession tax, and also on the duties formerly existing upon legacies, it never could be paid with reluctance, because persons would feel little or no hardship in paying a tax out of that property which they did not expect to enjoy."

The Bill passed with little opposition to the third reading, when a Motion made by Mr. Pitt, that it be now read a third time, was lost by a majority of two. He then moved that it be read a third time next morning, when the numbers for and against were equal. The Speaker gave his casting vote for the Motion, but Mr. Pitt seeing no chance of passing it through either House, withdrew it—the Personal Property Bill having already become law. Lord Lauderdale brought in a Bill in the House of Lords to suspend its operation, "in order," as he said—

> "That their Lordships might have an opportunity of preventing that injustice which must ensue if one sort of property was to be taxed, and land was not."

This Bill was rejected, and he entered a Protest on the Lords' Journals, condemning in strong terms the injustice of taxing personal property, and wholly to exempt real property. In the years 1804, 1805, and 1815, Bills were passed to extend the area of these taxes. From 1815 they had continued the same to the present time. In the Act of 1805 legacies left by will, chargeable on land, and also the proceeds of sales of land, directed by will to be sold for the more convenient distribution among the family, were both made subject to the legacy duty, but not to the probate duty.

He would recapitulate some of the partial and unjust provisions of the Acts which impose these taxes:—Leases on land for a term of years, including outlay for improvements, must be valued, and both probate and legacy duty paid on their full valuation, while leases on land for lives, and the land itself, paid nothing. Another case still more worthy of reprobation was, that houses built on building leases paid both duties on their full value, but the ground landlords paid no duty. Neither were those taxes paid on the value of the same houses when they fell into the landlord's hands, after the expiration of the leases. He would ask, was there anything more unjust than such a system of legislation? Houses built by landlords on their own land were exempted from paying both of these taxes. Lands sold on a lease of 1,000 years for a peppercorn rent, although as good as freehold, paid both duties on their full value; this was accounted for by the estates of the aristocracy not being held by this tenure, having principally been acquired by confiscation of Church property. But there was another case still more oppressive. If a landed estate was left to a person, which was charged with mortgage or other debt, and along with it funded or any other personal property, he could apply the latter to pay off the debt on the landed estate, without paying upon it either of the duties. The value of a farmer's lease, including outlay on improvements, of his stock, crop, implements of husbandry, furniture, and even wearing apparel, must pay both probate and legacy duty, while the owner of the land paid nothing. Probate duty must be paid on the full value of an insolvent estate, and the whole amount is not returned. Property left by a husband to a wife, or a wife to a husband, paid neither of the duties. Personal property of every kind, of the value of 20*l.* and upwards, pays both duties. He had many more cases with which he would not weary the House, but merely mention one or two to show the way in which these cases were evaded. Numerous means were resorted to of evading the probate and legacy duties: for instance, persons possessing large landed estates save large sums of money for their younger children, which, to avoid the duties, they give to them generally towards the latter end of their lives. For instance, one of the most eminent Judges of modern times (the late Lord Stowell), the Judge of the Admiralty Court and Consistory Court of the Bishop of London, where wills are proved, in order to save these duties under his will, transferred large sums in the public funds to his son, whom he required to give him (Lord Stowell) a power of attorney to receive the dividends, which he did during his life. The son died a short time before him, and a Chancery suit was instituted to ascertain to which of the two the property belonged; so that the old Judge had to pay probate and legacy duty upon all. Property given by deed of trust or deed of gift was, after death, or by deed of settlement, exempted from these duties. Above all, he was told that fraud was carried on by funded or other property being registered in joint names, the survivor taking possession of the whole without paying any duty. The evasions from these causes going on in different parts of the country exceeded credibility.

Mr. Porter, in his work, *The Progress of the Nation*, states that less than three-tenths of heads of families who die annually leave property subjected to these duties. The fact was, that the probate duty, like our whole system of taxation, favoured the rich, and threw its heaviest burden on the poorest class. A legacy of 20*l.* pays 2½ per cent probate duty, which is reduced as the amount increases to 1½ per cent, but it is limited to 1,000,000*l.*: above that sum nothing is paid; and on letters of administration taken out, where there is no will, the probate duty is 50 per cent more than those which were taken out under a will. As a proof of the favouritism of this duty, he might mention, that in the year 1848, 26,463 letters of administration were taken out, and of that number, 17,600 were for property varying from 20*l.* to 200*l.*; showing not only that it pressed most on the poor, but also that they were more honest than the others. The House could not but admit that the exemptions he had pointed out exhibited an amount of oppression and injustice scarcely to be credited as existing in a free country that boasted of its institutions securing equal justice to all classes and to all men. The exemption of landed estate from those duties which were imposed upon the savings of a poor man, if they happened to amount to 20*l.* and came to be divided, was an injustice so palpable that it was, he believed, impossible to find its parallel in the history of any modern nation except, perhaps, during the ancient regime of France, under which the rich were protected from paying their due share of the taxes, and which produced consequences which, as they were historically known to every one, he would advert to no further than to express a hope that the example would never be followed in this country. But perhaps the most remarkable part of the subject was, that the exemption of the large estates of the rich from the tax, was urged on the ground that a large amount was levied upon that description of property in the stamp duties on conveyances, which fell exclusively on land sold. But the fact was, that the conveyance of land sold paid exactly the same duty as the conveyance or transfer of shares in railways, canals, docks, harbours, joint-stock banks, gas companies, water companies, steam navigation companies, and all other descriptions of property. The stamp duty on the transfer of shares in such properties was exactly the same as that on the transfer or the conveyance of land; they were so by Act of Parliament, and consequently there could be no dispute on that question. The only exceptions were the stocks of the Bank of England and Ireland, and of the East India Company, which paid only 30*s.* for the transfer of all accounts, however large or small, and the whole of which paid the duties of from 2½ to 1½ per cent on probates, and from 1 to 10 per cent on legacies. Why this exemption existed in favour of these great companies was well worth the attention of the right hon. Gentleman the Chancellor of the Exchequer; and as the Charters both of the Bank and the East India Company were about to expire, the right hon. Gentleman would have the opportunity of giving the subject the consideration it deserved.

But, talk of the charges on land, why, was it not well known that a duty of 200 per cent was charged on ordinary insurances against fire, while farm stock and farming implements paid no duty whatever on insurances. He would now refer to the opinion of a gentleman whose authority would be received with favour and with confidence in that House: he meant the late Mr. Porter. That gentleman, who it will be remembered, for many years was head of the statistical department of the Board of Trade, and afterwards promoted to be Secretary of that Board, said, in his able work, *The Progress of the Nation*—

> "The probate and legacy duties are accompanied by the advantage which generally attends direct taxation, that a much larger part of their produce than taxes indirectly collected finds its way into the public treasury; they are also free from the evil effects commonly ascribed to direct taxation, that it engenders irritation, and is regarded as a greater burthen than the payment of duties to a greater amount on consumable commodities. The probate and legacy duties are, in truth, not felt as a tax; objections to them, as levied in this country, might be brought forward, namely, the partiality shown in excluding from their operation that description of property which, from its greater comparative value and security, is called real property. This partiality has always been felt as a grievance, and the sense of injustice which it is calculated to awaken is of mose moment than any temporary irritation that may accompany any demand for money taxes."

This was a most important statement as coming from such an authority. Here they found Mr. Porter denouncing in strong terms the system as most unjust and demoralising. In the year 1851, the amount of property which paid the legacy duty was 51,837,000*l.*, and the amount of the duty was 1,315,380*l.*, varying according to degrees of consanguinity from 1 to 6 per cent, and 10 per cent where no relationship existed; the average was more than 2½ per cent. In the same year the amount of the probate duty was 1,063,400*l.*, varying from 2½ per cent on 20*l.* to 1⅓ per cent on larger sums, but limited to 1,000,000*l.*; all above that sum pays nothing. In some cases the legacy duty only was paid; in others, only probate duty; there being no official return of the gross amount on which the probate duty was paid in 1851, it was taken at the same amount as that on which the legacy duty was paid, which gave an average of more than 2 per cent—together, more than 4½ per cent. This was a most important fact to bear in mind. And with regard to the probate duty, the House should recollect that the probate duty on letters of administration taken out without a will was 50 per cent more than those which were taken out under a will.

Next to the injustice of exempting real property from those taxes which were paid by personal property, was the amount on which the probate and legacy duties were imposed. He had made a calculation on this part of the subject, which he would presently read. It was a well-known fact that the probate and legacy duties were imposed on the gross capital—that was the principal—whereas the duty levied for the income tax was imposed on the annual rental of the property. Therefore, acting on the principle of the income tax, to arrive at the amount of real property which should be liable to the probate and legacy duty, that property should be reduced so as to ascertain its annual value. In the year ending the 5th of April, 1851, the rental of real property on which the income tax was paid in England, Wales, and Scotland, was 47,800,000*l.*; on messuages, 43,000,000*l*;. on manors, mines, quarries, and tithes belonging to lay impropriators, 4,430,000*l.*, together 95,230,000*l.* Take the same description of property in Ireland at 12,500,000*l.*, they amounted together to 107,730,000*l.*, and it was important to bear in mind that no income tax was paid on incomes of less than 150*l.* a year; therefore the amount of the rental in Great Britain does not include land, houses, manors, mines, quarries, and lay tithes of less value than 150*l.* a year, except in cases of other property combined making up that sum. Now, to reduce these 107,730,000*l.* of annual rental to capital, and then to ascertain the amount which should be paid to the probate and legacy ducy, he had calculated this way. As the probate and legacy duties were paid on the amount of the principal, and the income tax was paid on the annual income, he took the 95,230,000*l.*, the annual rental of Great Britain, at twenty-five years' purchase, and the average duration of lives in possession at twenty-two years.

He was aware that upon this point much difference of opinion might exist; he had taken all the pains of which he was capable to arrive at a strictly accurate conclusion, but had found no means of attaining that result. He had consulted numerous persons acquainted with such subjects, and amongst them some of the most eminent actuaries connected with the assurance companies; but they had no data which might form the basis of such a calculation. He had also obtained numerous returns relating to property which had been in the same families for as much as 200 years back, and from all those various sources he found that twenty-two years was more than the actual average. But he adopted that term for one reason, because, amongst other reasons he found that the average period during which the various Sovereigns of England had reigned, from William the Conqueror down to William IV., was something less than twenty-two years. Some persons would think the average value of the lives in possession was more than twenty-two years—others that it was less. But, whether one way or the other, the principle was the same. Taking, then, 95,230,000*l.*, the annual rental of Great Britain at twenty-five years' purchase, and the average duration of lives in possession at twenty-two years—and taking the rental of Ireland, 12,500,000*l.*, at fifteen years' purchase, and the average duration of life in possession at twenty-two years, the amount on which these taxes would be paid annually would be 116,738,000*l.*, which at 4½ per cent, the average amount of the duties, would produce on real property 5,250,000*l.* annually. From which deduction should be made of the amount of real property which pays those taxes, which Mr. Trevor, the Comptroller of the Legacy Duty, estimates at 500,000*l.*, being two-fifths of the whole amount of the legacy duty; but which Mr.

Pressly, Commissioner of Stamps and Taxes, estimates at less than 400,000*l.*, in reference to which he said, "I have endeavoured to arrive at something like a conclusion, but it is very unsatisfactory." Against this should be placed the value of land, houses, manors, mines, quarries, and lay impropriator tithes under 150*l.* a year, which are not included in the income tax returns. The amount under 150*l.* in Schedule A was 9,994,000*l.*, of which 11 per cent was personal property, leaving of that property 8,847,400*l.*, which at twenty-five years' purchase and twenty-two years in possession on an average gives 452,400*l.*, being a medium between the estimates of Mr. Trevor and Mr. Pressly. If the probate and legacy duties had been imposed on real property in 1796, and allowed to accumulate with interest and compound interest to the present time, the produce would have paid off the greater portion of the national debt. The iniquity of the existing system did not escape the penetration of the late Chancellor of the Exchequer, who when introducing his Budget, said on behalf of himself and his Colleagues—

> "We have not neglected carefully to examine the question of the stamp duties and the probate duties, and we think it not impossible to bring forward on the right occasion a duty on successions that will reconcile contending interests and terminate the system now so much complained of."—[3 *Hansard*, cxxiii. 906.]

The late Chancellor of the Exchequer had left this question as a legacy to his successor, and, if he should not discharge his duty faithfully with respect to it, let the right hon. Member for Buckinghamshire come forward and say distinctly that he was prepared to do justice by equalising this most unequally distributed portion of the public burdens; and, if he did so, the national voice in demanding his re-instalment in the place of Chancellor of the Exchequer, would be too strong for resistance. He could state numerous instances of the unjust and unequal pressure of the tax, and of the amount which was in consequence lost to the revenue. Not to weary the House, he would only refer to one. The late Lord Rolle left an estate not long since to a relation of his wife, worth 40,000*l.* a year; the value of that estate at twenty-five years' purchase would be 1,000,000*l.*, upon which the legacy duty would be 100,000*l.*, and the probate duty 15,000*l.*, if real property were subjected to pay these taxes. On the other hand, if a labourer on that estate by frugal savings left behind him property to the value of 20*l.*, including his scanty furniture, and even his smock frock, it would be compelled to pay both probate and legacy duty, at the rate of 2½ and 3 per cent respectively if left to a brother or sister, or if to a distant relation of 10 to 12 per cent, while the property of his wealthy landlord escaped. Yet we called this a free and a Christian country, where men acted on the principle of doing to others as they wished to be done by.

He called, therefore, on the right hon. Gentleman the Chancellor of the Exchequer, for whom he entertained the highest opinion, and whose high moral motives and great ability no man appreciated more than he did—he implored him to take the subject into his most serious consideration, with a view to the removal of that which was a stigma on both Houses of the Legislature, rendering them open to the charge of grasping selfishness and of screening themselves from taxes which they imposed on those who were far less able to bear them. If these duties were levied on all property alike, it would produce probably 8,500,000*l.* a year. When Sir Robert Peel laid on the income tax he did so as a basis upon which he could remove those taxes which pressed upon the manufacturing industry of the country and the food of the poor. Sir Robert Peel made that tax, which amounted to 5,283,000*l.*, the basis of repealing or reducing 13,000,000*l.* of such taxes; and if the Chancellor of the Exchequer took the course he (Mr. Williams) recommended, it was difficult to over-estimate the great relief he might thus give to the country by the removal of those taxes which still pressed upon and fettered its industry. The division on the Resolution he was about to submit, would in some degree test the value of the Reform Act. The Parliament of 1796 had imposed these duties on personal property, but did not make them applicable to their own property, their estates. But that Parliament was said to have been returned by 180 Peers and other rich men, who consulted their own interest rather than the interest of the nation at large. But it would be said that was an unreformed Parliament. Well, since that period we had had reform in Parliament, and the division now about to take place would enable the country to judge of how much they had gained by the Reform Bill. He trusted the result would show that they had at least obtained in a reformed Parliament a majority against the continuance of such a gross and manifestly unjust system as that to which he had called attention.

Motion made, and Question proposed—

> "That, in the opinion of this House, real property should be made to pay the same Probate and Legacy Duties as are now payable on personal property."

The CHANCELLOR OF THE EXCHEQUER : Sir, the office which I hold would naturally inspire me with every prejudice in favour of the Motion of the hon. Gentleman who has just resumed his seat. He does not propose, as is too often the case, to deprive the Exchequer of the funds which belong it, and for which it has ample employment, but he proposes to enlarge its funds, by imposing certain taxes not now universally applicable to the different kinds of property, upon a certain class to which they do not at present extend. Notwithstanding this, it is my duty to object to the Motion which the hon. Gentleman has made. And, first of all, with all respect to him, and frankly admitting the evident sincerity of his intention, and the perfect fairness of the manner in which he has stated the case, I cannot help pointing out to the House that there is much inconvenience and something like—I will not say evasion—but escaping from the rules of the House in discussions of this nature. The effect of a Resolution of the nature of that moved by the hon. Gentleman, is neither more nor less than to call on the House of Commons to depart from the work of legislation and practical business, and to content itself with the expression of abstract opinions. Supposing the House were to adopt the Resolution of the hon. Gentleman, the question of the probate and legacy duty would stand precisely where it did before. The hon. Gentleman knows that there are plenty of instances of Resolutions of this kind being adopted by the House, commonly with the same want of forethought; and which, notwithstanding that they related to measures of great importance, have taken no effect whatever. Now, these Resolutions are not merely of a neutral or negative character, but they do positive evil; because they tend to delude the country, and to make it suppose that we are doing the public business when we are in reality doing no such thing, but are merely expressing abstract opinions that do not affect that which should be done.

The hon. Member must surely be aware that the proper place to have proposed this Resolution would have been when the House was in a Committee of Ways and Means. The hon. Member brought this same Resolution forward in the month of December last, when the Budget of the late Government was under consideration, and he was then perfectly in order; but at present he calls on us merely for the expression of an abstract opinion; and though I do not intend to take advantage of that objection to escape in any degree the discussion of the case, yet I do not enter on it without a protest at least to this extent, and without endeavouring to point out to the House the practical inconvenience that attends this method of procedure. The hon. Gentleman has expressed a kind opinion of me, and I beg to reciprocate the hon. Member's feelings by saying that I am convinced that the motives of the hon. Gentleman in bringing forward this Motion are perfectly fair and just. We are not disposed, either on this or on the other side of the House, to contend for exclusive privileges in taxation of one kind or the other. Such a privilege needs only to be named to meet with universal reprobation. The principle on which all parties act is that of equality in the taxation of property; I will not say perfect equality, because, unfortunately, the necessary defects of human legislation in these matters render it impossible to attain in practice perfect equality in taxation; but it is now universally admitted that that is the object to which your legislation should be directed. But then I must represent—and I think that I may ask the assent of the hon. Member to this proposition — that that perfect equality must of necessity be the result, not of one of your taxes only, but of your entire system of taxation. It is impossible to lay on any one tax which shall operate with entire equality. You must consider each part of your system of taxation with reference to every other vital and essential part of it, and must strive to attain a general result which will fulfil the great ends of justice by laying the burdens of the public taxation equally on men's shoulders according to their strength to bear it; and that is the principle I shall endeavour to apply to the consideration of this and of every other similar subject. I must say in the first instance that I do not think the statement of the hon. Gentleman is accurate as a general fact, when he represents the question—the important and difficult question before the House—as being a class question or a question of class interests. He spoke at one time of the exemption that "the great" had secured for themselves as against "the small." Now, it appears to me that that is a distinction eminently in contradiction to the actual state of the case. If he means to speak of the great owners of real property as against the small—

MR. W. WILLIAMS: No, no, the owners of real as against personal property.

The CHANCELLOR OF THE EXCHEQUER: Well, I will come to that part of the question presently. The present state of the law as amongst the different holders of real property is unfavourable to the great and eminently favourable to the small owners; because it is generally proved that the land of the country is under settlement, and in the process of putting it under settlement it has undergone considerable changes, and that portion of the land which is not under settlement, and which is a small proportion of the whole, is, with the exceptions usually to be found, the land which is held by small proprietors. The hon. Gentleman will say that this is a question between the landed class and the owners of personal property; but that would be very far from being an accurate representation, for this is indubitable, that where exemptions now existed, whether those exemptions be just or unjust, politic or impolitic, they are exemptions that it is in the power of every man holding personal property, to secure to himself just as much as it is in the power of the owner of real property to do so. I do not mean to prove that by any elaborate argument, but merely by a statement that lies upon the surface of the case, namely, this, that considering the mode in which land is usually dealt with, and the mode in which the great bulk of the land escapes the payment of legacy duty as under settlements, it is as much in the power of an owner of personal property to put his property under settlement as in the power of the landowner. And indeed, personal property in this country does go very extensively under settlement. I have been making inquiries to see the extent to which funded property is placed under settlement, and it is impossible to attain anything like perfect accuracy in the calculation; but I will venture to say that a considerable portion of the entire funded property of this country is under settlement at this moment. The difference between the settlement of landed and personal property is this: the settlement of landed property is always made with perfect *bonâ fides*—it is made in reference to family arrangements—it is commonly made in the early part of the life of the actual possessor of the property, with reference to the contingency of his death, which is not likely to take place for many years. Many settlements of personal property correspond essentially with this settlement of landed property; but there are settlements of personal property, such as by deeds of gift, that do not correspond with this settlement of landed property at all. Deeds of gift are executed by parties in trust to reserve the proceeds and capital of the property to the absolute and unrestricted disposal of the person who constitutes the trust, and with power of revoking the trust whenever he pleases, with no obligation to publish the trust, so that it is in the power of any man, by writing certain things down on a sheet of paper which he keeps in his drawer, and makes known to nobody, to execute one of those voluntary settlements by deed of gift by which he carries his personal property beyond the range and sphere of the legacy and probate duty.

MR. W. WILLIAMS: That is part of my complaint.

The CHANCELLOR OF THE EXCHEQUER: I do not describe this practice to justify it, which is positive cruelty as far as regards the Exchequer, but for a most important purpose, namely, for the purpose of showing that this great, and momentous, and very difficult question is not a class question in the way it is supposed, because it does not give the landed property those advantages over personal property which are too commonly assigned to it. The bad state of the law I grant—the absurd state of the law I am willing to concede—each in due time will be remedied—but the law has not that most odious and aggravated feature about it, namely, that those laws are laws passed by the class of landed proprietors for the purpose of securing to themselves exclusive privileges, which the commercial classes and the holders of funds are not at liberty to enjoy. Having thus made material deductions from the statement of the hon. Gentleman, I shall now make a few remarks on his sanguine expectations with respect to the enormous amount of landed property that may be brought under the operation of the law by the change which he proposes should take place. I did not precisely catch the actual figures he stated, but I thought his calculation was that several millions were to proceed from this proposed taxation of landed property. But the hon. Gentleman has made a most serious omission, because it is not true that nothing whatever is paid by landed property to the legacy and probate duty. Annuities and all sums of money charged upon land pay legacy duty; all lands directed to be sold for the purpose of dividing the proceeds pay legacy duty; and an eminent solicitor, Mr. Baxter, gave in evidence before a Committee of the House of Lords, that out of ten wills disposing of unsettled landed property, nine directed the estates to be sold and the proceeds to be divided.

MR. W. WILLIAMS: That was in a particular district in Yorkshire.

The CHANCELLOR OF THE EXCHEQUER: I am going through the deductions one by one. And this gentleman gave it as his opinion that this quantity of land was liable to be sold, and to pay the legacy duty. I have also had an opportunity of seeing Mr. Trevor, an intelligent witness who gave evidence before the Committee of the House of Lords, and I asked him the proportion he now forms of the legacy duty that is paid by real property under the provisions of the Act of 1805, and he computes it as seven-sixteenths of the whole amount. Your machinery does not enable you to state with perfect precision the actual amount paid by real property, but a good judge tells you that it amounts to seven-sixteenths of the whole. Though it is true that a great deal of real property escapes the legacy duty, yet this is also unquestionably true, that if you had the power to levy your legacy duty uniformly and equally over the whole property of the country, and if you succeeded in levying that legacy duty over the whole of that property, I doubt very much if you would get so good a proportion as seven-sixteenths out of the land as you do now under the present system. I think you might get more than nine-sixteenths out of personal property, and less than seven-sixteenths out of landed property. But another important deduction is to be made from the statement which the hon. Gentleman has made to the House. The hon. Gentleman has not adverted to one enormous deduction which he must make from the representations he has made to the House: he proceeds on the supposition that the great bulk of the landed property escapes altogether the operation of this duty; but those who adopt this line of argument appear to forget the subsisting mortgages upon land. Now what proportion of the land of the country is under mortgage? I believe I should be estimating moderately if I said the land of the country was charged with mortgages to the extent of a fourth part of its value. It may be more, but I assume it is one-fourth, so that the beneficial interest to that extent pays probate and legacy duty. Now, the hon. Gentleman could not intend to say that if this new system which he proposes were established, the parties should pay the tax twice over. Suppose there is an owner of landed property which is valued at 20,000*l.*, and the income from which is 700*l.* a year; suppose, also, there is a mortgage for 7,000*l.* charged on that land on account of which the owner pays 400*l.* yearly; surely the hon. Gentleman does not intend to say that the owner of that land is to pay the probate and legacy duty on the 700*l.* a year and on the 400*l.* a year too. To come, therefore, to a true judgment in the case, you must deduct from the whole mass of the landed property of this country the portion of it that pays probate and legacy duty in the shape of interest upon mortgages. Thus far I have only spoken of the deductions that ought to be made from the statement of the hon. Gentleman; further, I will go on to say, that it is one of those subjects that cannot be viewed as an isolated question—we must take into view many other circumstances and provisions with respect to the landed property of the country. The hon. Gentleman also spoke of the stamps on conveyances. No doubt it was the policy of the Legislature comparatively to burden the transfer of land, and to facilitate the descent of land—on the other hand, to burden the descent of personal property, and to make the transfer of personal property easy. That statement has been often made, and the hon. Gentleman impugns it by stating that the same stamp duty is levied upon the transfer of railway shares that is levied upon the transfer of a piece of land. That is true, but he should recollect that there is between 70,000,000*l.* and 80,000,000*l.* of property—no small portion of personal property, namely, the funded property of this country—that pays nothing at all upon transfer, and when settled to a considerable degree pays nothing on descent. Although you may choose by your system of stamp duties to fix the same rates for landed and personal property, it will happen that your personal property will go scot-free as to transfer, where the landed property must pay the stamp on transfer. The reason is, that the great bulk of personal property is capable of passing by delivery, and being so capable it requires no legal transfer; it has no legal transfer, and the stamp duty is not paid. It is quite true it is paid upon railway shares, and on some limited descriptions of personal property; but as to the vast proportion of the transfers of real property they are subject to no tax whatever but the receipt stamps; and I believe it is but too true that that trifling amount is in many instances not paid at all. The sum of 10*s.* is enough to cover the transfer of 1,000,000*l.* of money, and the fact is that the great bulk pays nothing or next to nothing upon transfers. That the tax upon conveyances is a compensation for legacy and probate duty, is not entirely to be put out of view, and when you are adjusting a system of taxation for real property and personalty, you must not forget the facility of transfer which personalty so entirely enjoys, and that, although you may enact that an equal rate is to be paid upon it, yet in practical operation the great bulk of it escapes from the payment of the tax. You cannot put that out of view in considering what justice demands in dealing with the taxation on real property. I am the last person to claim any favour for real property—but it should not be subject to unequal taxation; and the amount should be estimated, not by any one duty, but by the operation of your general fiscal system, and it is utterly impossible to exclude from the view of that general fiscal system your system of local taxation. You cannot forget that in England alone 10,000,000*l.* a year is levied off real property, about which personalty knows nothing at all.

MR. W. WILLIAMS: Houses are charged.

The CHANCELLOR OF THE EXCHEQUER: It is the realty pays. Houses may be real property as well as land.

MR. WILLIAMS: Railways are also charged.

The CHANCELLOR OF THE EXCHEQUER: I always looked upon the case of railways, in respect to the rates they pay, as one worthy of consideration; and I agree with the hon. Gentleman entirely, that railways and the unfortunate holders of tithes are very unfairly treated, as compared with the owners of other property. In the consideration of your fiscal system you cannot put out of view the fact that in England something like 10,000,000*l.*, and in the whole United Kingdom 12,000,000*l.* or 13,000,000*l.*, are levied off real property for the purposes of local taxation, about which personal property knows nothing whatever. That is not the principle of your law; according to the principle of your law personal property is just as much subject to those local charges as real property. I do not, however, wish to see personal property subject to those charges. It would lead to confusion, tyranny, and a multitude of evils, if you attempted to subject personalty to those charges; but I do not doubt that if plans of reform are driven to an extreme extent, you may bring that personal property within the scope of local taxation. Instead of endeavouring to reach mathematical precision in each item of taxation, we should look on the result of taxation as a whole, and endeavour to establish fairness in its operation. The time will soon arrive for the discussion of the income tax, and at present I am not going to open it prematurely, but I wish to advert to a single point. I am not going to speak of the income tax at this moment in so far as it falls upon skill and labour, but I am only going to look at it in so far as it falls upon property, and upon property, too, which is the subject likewise of legacy and probate duty. Confining my view to that subject, I say boldly you cannot defend the present incidence of the income tax upon real property. The interest arising from money in the funds, and the interest payable on mortgages, pay the income tax according to the income actually received; but real property pays the income tax, not according to what is received, but it pays the income tax on repairs, it pays the income tax on arrears, it pays the income tax on vacant farms, and in half-a-dozen other cases where no income is received.

MR. W. WILLIAMS: It will be very easy to amend that.

The CHANCELLOR OF THE EXCHEQUER: That is easier said than done. No man will be so grateful to the hon. Gentleman as I shall be, if he will produce a good and practical plan to amend it. The melancholy conclusion I am driven to is, that we must perforce make up our minds in many cases to put up with inequalities, and be satisfied that on the whole the ends of justice are attained if those inequalities are found to balance one another. I think these are all most important facts that bear upon this discussion, and without taking them into view, you cannot arrive at a fair estimate of the question. Therefore, to look at some isolated question—to look at the operation of the law with regard to one description of property, without considering the operation of other systems of taxation upon it, is, I will not say a reprehensible practice, but it is a practice that requires to be corrected and qualified, and, considered in reference to other topics, if we are to arrive at a general conclusion that will be a safe guide in practice. It is stated in the Reports of the Lords' Committee, that the land tax, the poor-rate, and the county rate, were equivalent to an income tax of 11 per cent. This is a most important fact to bear in mind in this discusion, and I hope it will be kept in mind in the consideration of all these questions. On one point I think the hon. Gentleman has made out a strong case, and that is as to the present scale for probates. The absurdity of that scale is admitted by all. Why are we to stop when we have reached 1,000,000*l*. of money, as if there were not in this great country fortunes made exceeding that amount? And if nothing else be done, that scale should be readjusted. It is clear that an immense amount of personal property escapes duty, which, according to the present law, should not escape, and especially through deeds of gift the operation of the present law is most unsatisfactory. There has been an enormous increase in the personal property of this country, but the legacy duty does not grow larger. The entire amount that has paid legacy duty for a series of years is about 45,000,000*l*., and there is very little doubt that if you did not alter the principle of the law, looking to personal property alone, instead of 45,000,000*l*., out of which seven-sixteenths is derived from real property, you should get something very near to double that amount. The hon. Gentleman has adverted to the case of the poor man; he says his property pays the full probate duty, and I agree that it does, and that it is a case of great hardship. The wealthy man, who has legal assistance, is enabled to avail himself of the means of escaping the burdens of the law; but the man who leaves 40*l*. or 50*l*. has no such means. The scale is so constructed that it falls upon him with a disproportionate weight. And these are all things which call for that serious investigation which he invites me to give the subject. With regard to the further question, whether or not the land ought to be subject to the payment of legacy and probate duty, it is impossible, in my judgment, for the House to come to any safe conclusion upon the subject until we have some fixed principles laid down and adopted with reference to the rest of our taxation. Before the House can consider the question as to what is to be done with the probate and legacy duty, I think it should have more fixed and definite intentions on the subject of the income tax than have been as yet expressed. The hon. Gentleman says, "Here is a system of law that operates in favour of real property against personal property;" but when you come to the income tax, and compare its effect on real property and personal property, it is quite as clear and undeniable that the income tax is unequal, in favour of personal property and against real property. It appears to me that the course which the House may take with reference to the income tax, must necessarily be made the pivot on which the whole of this controversy shall turn. As to the question of laying duties on land, I will say as strongly and decidedly as the hon. Gentleman himself, that the land has no claim to special favour. It has only a right to be justly taxed; but of course, in considering that question, it will be necessary to take a review of all the circumstances by which land is affected. I am sure the hon. Gentleman does not make it a matter of censure upon me, that after my recent accession to office, and when the whole of our system of taxation is open from one cause or another, I am not now prepared to state to him what may be the ultimate course of the Government. Much must depend—almost everything must depend, with regard to the fiscal policy of the next two years, on the course taken by the House with reference to the income tax. When the time shall come, it will be my duty to state the views of the Government. I assure the hon. Gentleman that the whole of the question shall undergo from me the most careful examination, and that the results which we may arrive at will be results to which we shall be led by no desire to favour this or that class, but by the desire to do full and impartial justice to all classes. Whether the hon. Gentleman ought or ought not to be satisfied with this explanation, I leave the question in his hands. It is from no disrespect to him that I point out the inconvenience of adopting this Resolution, and I hope it may be consistent with his views not to press it upon the House for adoption. At all events, I have done my duty by stating the principles on which we are prepared to deal with this question, and which has led us to the conclusion at which we have arrived upon it.

Mr. HUME said, this was a most important question, and his hon. Friend (Mr. W. Williams) was quite right in bringing it forward. It had been his (Mr. Hume's) lot to hear many Chancellors of the Exchequer say that it was not convenient to bring forward such questions as this, in this shape. But he thought the time had come when it ought to be stated what was to be done with regard to these duties. The Government had taken time to consider what plan of taxation they should adopt; but, nevertheless, the present Motion was quite consistent with all practice, and his hon. Friend was quite justified in bringing it forward at the present time. His hon. Friend had very clearly shown the inequalities in those duties. There were one or two points on which he (Mr. Hume) differed from the right hon. Gentleman the Chancellor of the Exchequer. His hon. Friend the Member for Lambeth said, that this was a class question, and that the law relating to these duties was passed by the landlords to benefit themselves. The right hon. Gentleman the Chancellor of the Exchequer denied that. What was the real state of the case? Mr. Pitt brought in a Bill enabling the levy of probate and legacy duty on all property, real and personal. The Bill was read a first and a second time, and when it came to Committee then came the pressure of the landed proprietors, who compelled Mr. Pitt to divide the Bill into two parts, one relating to real and the other to personal property. When the question was put as to the part relating to personal property, the Bill passed; but when it was put as to landed property, there was a division, and the numbers were 30 to 30, and there it ended. A personal friend of Mr. Pitt's had assured him (Mr. Hume) that Lord Sidmouth, who was then Speaker, had declared that the Bill ought to have gone to another division; but such was the pressure put by the country Gentlemen on Mr. Pitt, that he was told that if he attempted to move further in the Bill, he must take the consequences, and so it was never brought forward again. The Bill relating to the duty on personal property was passed, but real property was never made liable. If the right hon. Gentleman said that was not a class proceeding, he (Mr. Hume) knew not what was a class proceeding. His hon. Friend (Mr. W. Williams) had shown the great inequalities of this duty. Take the case of bequests. If a man had 10,000*l.* in landed property left him he was not liable to these duties, but if it was left in personal property he was subject to them. It appeared by the calculations of Mr. Spackman that the value of real property in this country was 2,000,000,000*l.*, of which 1,500,000,000 was the value of the land, and 500,000,000 the value of the farmers, and the necessary machinery for the cultivation of the land. Those 2,000,000,000*l.* passed without paying any of this tax, except on the portion which was the personal property of the cultivators. The whole proceeding therefore appeared to him to be of a class character. Since that time there had been various Acts passed exempting real property, while personal property—such as copyhold houses, railroads, and other species of property—was made liable to the tax. The result was, that while landed property escaped this peculiar taxation, personal property, on the other hand, had paid legacy duty in England during the year 1851 on a capital amounting to 49,402,000*l.*, and in Ireland, during the same period, on a capital of 2,435,000*l.* If Mr. Spackman's estimate was taken, there were about 80,000,000*l.* of real property which ought to be subject to the tax. That amount therefore escaped, and 52,000,000*l.* of personal property was assessed. The House ought to know the extent to which personal property was subjected to this tax. The amount received last year for legacy duty was 47,502*l.*, and for probate duty 38,360*l.* No less a sum than 85,763,000*l.* of personal property was levied on for this tax, and not one farthing of real property. The amount levied by these duties since their imposition had been 1,588,000*l.* This was sufficient to warrant his hon. Friend in bringing the subject forward for discussion. It was their duty to remove inequality of taxation. Taxation ought to be laid as equally as possible on all kinds of property. It was an insurance which persons of property paid for the maintenance of order, and they ought to pay that insurance equally, and in proportion, in the same way as they would pay a fire insurance. The large sum of 85,000,000*l.* had, however, been levied, on one description of property only, in consequence of one Act passing, and another Act not passing. He believed that personal property, if fairly valued, was equal to real property, if not more. With regard to local taxation he believed that personal property paid its full share, and that it was quite a mistake to say that landed property alone paid. He could substantiate the assertion that personal property paid as much as real property. But that was not the question. The question was, was there anything peculiar in this tax that land ought to be exempted from it. He could not think of anything. There were stamps, but personal property was equally affected by them; as in bills of exchange. He wanted to confine this tax to a tax on descent. With regard to mortgages, he could not understand the right hon. Gentleman. Mortgages were personal property, and were charged as such. How, therefore, he brought that in as an excuse, he could not understand. Then look at the increase of railroad property to the value of 200,000,000*l.* to 300,000,000*l.*, which was all held to be personal property. He fully agreed with the right hon. Gentleman, that there were gross inequalities in our system of taxation. He had no hesitation in saying, that indirect taxation bore on the industrious and middle class so hardly that he scarce ventured to state it. It amounted, on the average, to 40 per cent on the consumption. A statement was published about two years ago, on the effect of taxation in the United States. The writer stated that federal taxation in the United States was raised by import duties, which in 1849-50 amounted to 29,000,000 dollars; and he showed that those 29,000,000 dollars amounted to 100,000,000 to the consumer. He proved it step by step and article by article, and showed how the increase amounted to that sum. In the same manner our indirect taxation fell very heavily on the middle and industrious classes. He fully agreed with the right hon. Gentleman, that no income tax they could impose could be considered truly equal, until an inquiry had been made into the incidence of all taxation, and all had been made as equal as possible. But he believed the House had no idea of the enormous amount paid by indirect taxation by the middle and industrious classes. It was on that ground that he invited the Government to institute an inquiry forthwith. With a taxation of 56,000,000*l.*, it was their duty to see that it was levied in a manner least burdensome to the community at large. In the matter of transfers, the right hon. Gentleman said personal property was exempt. What property was exempt except stock, and that was one of the terms and conditions on which they borrowed the money? He thought the time had come when that House should declare that justice should be done. He should support the Motion of his hon. Friend (Mr. W. Williams) with the greatest pleasure, this being a question which over and over again in former times he (Mr. Hume) had endeavoured to press on the consideration of the House and the various Governments of the day with the view to a remedy.

Mr. HENLEY said, he could not but think that the right hon. Gentleman the Chancellor of the Exchequer had omitted to state some of the elements which ought to be brought into consideration. He had no doubt that the right hon. Gentleman, in common with others who had filled his office, had a great sympathy with the public Exchequer, and looked with great disfavour on anything that would tend to empty it. He (Mr. Henley) believed that any alteration in the way proposed by the hon. Member for Lambeth (Mr. W. Williams), so far from benefiting the Exchequer, was calculated most certainly to empty it. The right hon. Gentleman the Chancellor of the Exchequer had stated that with regard to personal property it had been the object to lay the tax on descent, and that on landed or real property it had been the object to lay the tax upon the transfer. He had no doubt that any one looking fairly at the subject would see that if the tax were laid on the descent of real property it would be unproductive, whereas the tax on the transfer of real property was very productive. The descent of real property passing as it did mainly under settlement, and not by will, could not be productive to the Exchequer, because they would get into the difficult question of reversions; and how were they to deal with them? With regard to personal property, the vast mass of it, not being under *bonâ fide* settlements, or even colourable settlements, escaped the tax on transfer altogether; still there was a good deal of that kind of property which might be brought within the operation of the tax, which did not now contribute anything to the Exchequer. The hon. Gentleman (Mr. Hume) had alluded very strongly to the case of America with regard to the incidence of direct taxation; but he thought the hon. Gentleman would hardly venture to quote the evidence they had before the Income Tax Committee on that very subject. The American witnesses, one and all, stated that the federal revenue of America was raised by indirect taxation, and that it was State taxation only that was raised by direct taxes, and which was as nearly as possible like what we called local taxation. The right hon. Gentleman the Chancellor of the Exchequer had spoken of the local taxation as being a tax distinguishable on real property. He (Mr. Henley) did not wish to go into that question, because he was prepared to deal with this matter on the question of Imperial taxation, and he believed that on Imperial taxation the balance would be found on the whole not to be in favour, but against, the real property of the country. The right hon. Gentleman also spoke of the stamp on conveyances of real property. If he mistook not, the large item on what were called deeds and instruments, amounted to something like 2,000,000*l.* annually. No doubt the whole of that did not affect real property. They had never in that House been able to obtain from the Stamp Office a return which would show how much of that amount affected real property; but he believed the opinion of many was that at least one half of it affected real property. That was mere opinion; but if it was one half, that was a large sum to be taken into consideration. The right hon. Gentleman had truly stated the evidence before the Income Tax Committee, and he believed before the Committee of the House of Lords, that seven-sixteenths of the existing duties were paid by land; and if they took that and the amount of stamps, there was a large gross amount. But the right hon. Gentleman had omitted one very important element, and that was the land tax. He did not know whether the right hon. Gentleman remembered that some 2,000,000*l.* a year was paid by the land tax, and principally by the Southern and Midland counties of England. That was a very important element to be considered. It was equal in amount to the whole of the legacy and probate duties. [Mr. W. WILLIAMS: No, no!] The hon. Gentleman said "No." [Mr. HUME: A portion of it was redeemed.] Well, if it was redeemed, those who redeemed it had paid hard cash for the redemption, and it was hardly fair that another tax should be laid upon them immediately afterwards. Putting the income tax wholly aside, he believed that the land of this country paid, under the three heads he had stated, a great deal more than compensated for the exemption from the probate and legacy duty. These were matters which could not be dealt with in a single tax. They must look to the whole incidence of the taxation of the country. He was one of those who thought that when it was fairly looked into it would be found that the land paid its full share; and he believed, taking the land tax into account, not only its full share, but a much larger share than its fair proportion. The hon. Gentleman (Mr. Hume) said the only personal property that escaped transfer duties, was the funds. Why, he surely could not be aware of the facts of the case. The whole agricultural produce of the country passed from hand to hand without any tax whatever, and the same took place with regard to all the merchandise of the country. It was very true that merchants, for their own convenience, by way of raising capital, chose to pay for all these transactions in bills, and therefore it answered their purpose to pay the stamp. But there was no necessity for them to do so, unless they liked. Agricultural produce, then, and merchandise paid no tax on transfer; but they could not sell a piece of land the size of that table without paying a tax, and not a very light one. He denied that landed property had escaped this tax in consequence of the opposition of the landed interest. The fact was that nine-tenths of all the land in the Kingdom was in settlement, and that was the reason why it escaped taxation. He was opposed to the proposition of the hon. Gentleman, and if the Motion was pressed to a division, he would certainly vote against it.

MR. BRIGHT said, he rose merely for the take of stating one or two points which, it appeared to him, placed the probate and legacy duties on personal property in a particularly odious light with a large portion of the people of this country. The right hon. Gentleman (Mr. Henley) said they could not go against the feelings of the people. Now, he believed if there was one thing more than another in which the large majority of the people were agreed, it was on this very point that the taxes they were discussing to-night were laid on in a most unjust and unequal manner. Now, he understood—for he was not in the House the whole of the time—that the right hon. Gentleman the Chancellor of the Exchequer had fully admitted that, in the speech he had made; and he was not the only Chancellor of the Exchequer who admitted that. The late Chancellor of the Exchequer (Mr. Disraeli), in a speech he made on that side of the House, admitted that this tax was a very great grievance, and that a remedy was required; and, more than that, he intimated that if he had remained in office he would have dealt with this tax, or have made it equal on all property. Now, the right hon. Gentleman (Mr. Henley) had got some singular notions on this question. He seemed to think there was something in the stamp duties which made them, in some degree, a balancing tax; but the right hon. Gentleman seemed to forget altogether that leasehold property was liable to this tax, it being personal property, and was also liable to all the stamp duties of every kind to which freehold property was subject. Now, the great bulk of property in this metropolis was leasehold. Take the case of Bedford Square or Belgrave Square, one the property of the Marquess of Westminster, and the other that of the Duke of Bedford. At this moment the property was leasehold. Mr. Cubitt, or some other builder or builders, had invested capital and built houses on it, and they had leases. During the whole time that these leases continued, the houses were liable to this tax. The leases continued, say for ninety-nine years, and during that time that property might pay two or three times over a probate and legacy duty of from 1 to 10 per cent. But at the end of the lease, the whole property being vested in the Marquess of Westminster or the Duke of Bedford—and he believed that in Bedford Square the property was rapidly falling in—when all this property, which had been paying probate and legacy duty since 1797 fell into the possession of the Duke of Bedford or the Marquess of Westminster, it would cease to pay this tax at all. Here they had men of colossal wealth, whose property, under this system, was exempt from the payment of this tax, which came down to 20*l.* on the property of poor men in every part of the country. But there was another point which he wished to state, because it happened to come under his own observation, showing how oppressive this tax was. He knew of a case in which an old man died in 1836, and left shares in a public company, and other property. He left the property to his son, who paid the duty of 1 per cent. The son died, and left it to his mother, and then it paid again. The mother died, and left it to another son, and then it paid again. That son died about a year ago, leaving the property to his children, who are now living, and then the legacy duty was paid again. There was a case in which the probate and legacy duty was paid four or five times since 1836. If it had been left, as might have been the case, to persons not in so near a degree of consanguinity, it would have been by this time half absorbed by the tax, which would have amounted altogether to 50 per cent; but in the case he had put it amounted only to 5 per cent, besides the probate duty. He maintained that that was a great injustice when other property in the neighbourhood, just as accessible to the tax-gatherer, was altogether excused. These things were happening constantly in all parts of the country, and men knew and felt the injustice of it; and if he were the possessor of property of any amount, he should say the cheapest insurance for the property he possessed was the most entire justice and equality in taxation that could possibly be obtained; for he did not know anything that could be more unfavourable to order than a general belief among all classes of the people that there was an interest in the governing power which laid the taxes heavily on one class, and lightly on another. The right hon. Gentleman alluded, he understood, to the question of local taxation as being in some degree a balance or compensation. He was glad that the right hon. Gentleman had alluded to it, not, however, because there was anything in it. He was quite sure he would not have alluded to it if he had not felt what an exceedingly difficult question he had to argue. The right hon. Gentleman the Member for Halifax (Sir C. Wood) always fell back on the question of stamps. The present Chancellor of the Exchequer fell back on local taxation. Neither of these arguments had any force in it. Local taxation was based very much as it now was long before the probate and legacy duties were imposed; and Mr. Pitt was as tender to the landed interest as any Chancellor of the Exchequer in that House. He had not intended to say a word upon this; but he had seen the greatest inequalities in this tax, and he thought it for the interest of the country that the Chancellor of the Exchequer should be encouraged, for he looked on all these discussions as encouraging to him to take the right course. The question he understood was going to be considered by the Chancellor of the Exchequer when the whole incidence of taxation was considered. That meant that the whole thing was to be shelved for ever. He remembered the right hon. Gentleman (Mr. Henley) saying the very same thing when they were discussing the tax on corn. He said, there were a great number of things to be considered, and that it had a bearing on all our taxation. Well, they had got rid of that. They found that it was a question by itself. This was a question by itself; and when the right hon. Gentleman set about considering it, he wished he would consider the question of consanguinity. He thought nothing could be more barbarous than charging 1 per cent to one relative, and 5 per cent to another, and 10 per cent to a stranger, although the latter might be an illegitimate child. It was making such child pay for his illegitimacy. Nothing could be more barbarous. The right hon. Gentleman said the land was all in settlement; but that had nothing to do with the question. Did he suppose the Chancellor of the Exchequer could not get hold of property under settlement as well as property left by will? A tax on succession would be a tax on property changing hands by death, not by wills alone, but by settlement, or in any other way that legal ingenuity could point out. But the main question now before the public was, that within the last fifty or sixty years from 85,000,000*l.* to 90,000,000*l.* had been raised by this tax, the greater proportion of it being raised from a class very inadequately represented in that House. He begged the Chancellor of the Exchequer, who he believed wished his tenure of his office to be useful to the country, not to be afraid of those hobgoblins which hon. Gentlemen opposite had raised, but that he would grapple with the question, and deal fairly with all the taxpayers in the country.

Mr. WILKINSON said, he was afraid that at the time the tax was imposed there was an intention to favour landed property, as against personal property, because they knew that the Legislature of this country then consisted of landowners. He should vote for the Motion.

Mr. W. WILLIAMS said, he considered the speech of the right hon. Chancellor of the Exchequer required an answer. The right hon. Gentleman had displayed his vast fund of ingenuity, but he had failed to overthrow the case made out that it was unjust to impose a tax on one description of property alone. He had referred to Mr. Trevor's evidence on the income tax. Mr. Trevor said he believed that as nearly as possible nine-sixteenths of the real property of this country was under settlement, and he came to the conclusion that the other seven-sixteenths paid the legacy and probate duties. Anything more monstrous could not have been uttered.

Question put.

The House *divided*:—Ayes 71; Noes 124: Majority 53.

List of the Ayes.

Alcock, T.
Anderson, Sir J.
Bell, J.
Biggs, W.
Bright, J.
Brotherton, J.
Brown, W.
Butler, C. S.
Cheetham, J.
Clay, J.
Clay, Sir W.
Cobbett, J. M.
Cobden, R.
Coffin, W.
Collier, R. P.
Crook, J.
Crossley, F.
Duncan, G.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Evans, Sir De L.
Ewart, W.
Geach, C.
Gibson, rt. hon. T. M.
Goderich, Visct.
Goodman, Sir G.
Greenall, G.
Greene, J.
Hadfield, G.
Hall, Sir B.
Heathcoat, J.
Heywood, J.
Hume, J.
Hutchins, E. J.
Kershaw, J.
Kinnaird, hon. A. F.
Lacon, Sir E.
Laing, S.
Langton, H. G.
Laslett, W.
Lucas, F.
M'Cann, J.
Miall, E.
Michell, W.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, J. G.
Phinn, T.
Pilkington, J.
Pollard-Urquhart, W.
Price, W. P.
Scholefield, W.
Scobell, Capt.
Seymour, H. D.
Seymour, W. D.
Smith, J. B.
Stuart, Lord D.
Swift, R.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Walmsley, Sir J.
Whalley, G. H.
Wilkinson, W. A.
Willcox, B. M.
Wise, J. A.

TELLERS.

Shelley, Sir J.
Williams, W.

List of the Noes.

A'Court, C. H. W.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Baring, rt. hn. Sir F. T.
Barrington, Visct.
Barrow, W. H.
Beaumont, W. B.
Bentinck, G. P.
Bethell, R.
Biddulph, R. M.
Bland, L. H.
Brady, J.
Bremridge, R.
Browne, V.
Bruce, Lord E.
Bruce, H. A.
Cairns, H. M.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Cayley, E. S.
Charteris, hon. F.
Cholmondeley, Lord H.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cowper, hon. W. F.
Craufurd, E. H. J.
Davies, D. A. S.
Denison, J. E.
Drumlanrig, Visct.
Dundas, G.
Evelyn, W. J.

Ferguson, Sir R.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Forbes, W.
French, F.
Gladstone, rt. hon. W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greville, Col. F.
Grey, rt. hon. Sir G.
Hanbury, hon. C. S. B.
Heathcote, Sir G. J.
Heathcote, G. H.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Horsfall, T. B.
Hotham, Lord
Ingham, R.
Kendall, N.
Kirk, W.
Laffan, R. M.
Lawley, hon. F. C.
Liddell, H. G.
Lindsay, hon. Col.
Lowe, R.
Mackenzie, W. F.
Mackie, J.
MacGregor, J.
M'Taggart, Sir J.
Malins, R.
Martin, J.
Miles, W.
Miller, T. J.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Montgomery, Sir G.
Morgan, O.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Murrough, J. P.
Newdegate, C. N.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
O'Connell, M.
Osborne, R.
Ossulston, Lord
Palmerston, Visct.
Parker, R. T.
Patten, J. W.
Percy, hon. J. W.
Phillimore, R. J.
Powlett, Lord W.
Price, Sir R.
Prime, R.
Robartes, T. J. A.
Rolt, P.
Russell, F. C. H.
Sawle, C. B. G.
Sheridan, R. B.
Sibthorp, Col.
Smith, W. M.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Strutt, rt. hon. E.
Tomline, G.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vane, Lord A.
Vernon, G. E. H.
Vivian, J. E.
Walcot, Adm.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilson, J.
Winnington, Sir T. E.
Wyndham, Gen.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.
Hayter, W. G.
Berkeley, C. G.

THE SHIP "NOVELLO."

MR. MUNTZ said, he begged to move for a Select Committee to inquire into the petition of M. Bonacich, relating to the improper seizure of the ship *Novello*, and also whether he was entitled to compensation. M. Bonacich, an Austrian subject, was the master of a vessel trading in the Levant, so far back as the year 1804. Hearing of the war which had broken out, he armed his ship; he then sailed from Malta with a cargo, and having beaten off a French privateer, he took his ship safe into Gibraltar. He afterwards sailed for England, where he delivered his cargo, and laid up his ship for repairs. When they were nearly completed, the Government seized the vessel, under the impression that she was not an Austrian ship but a French privateer. The dock owner then brought an action against M. Bonacich for his charges, and the consequence was that he was thrown into prison, where he remained from 1806 till 1810, in which year he was released by the Act of Grace at the Jubilee. The Government had for a long time refused him redress on the ground that the ship had not been seized by them; but within the last three years the Austrian ambassador at his (Mr. Muntz's) intervention had obtained from the Admiralty documents proving that she had been seized as a French privateer. The Government then said that, as M. Bonacich was not the owner of the vessel or cargo, he was not the party entitled to compensation. Now he (Mr. Muntz) did not think that that was a very worthy position for the Government to take. To this day, M. Bonacich, though ruined by the transaction, has received no compensation whatever from the British Government. They had heard of late great complaints of the severity of the Austrian Government towards British subjects, but the Austrians had never done anything so severe as this; and how could we expect the Austrian Government to indemnify British subjects if we refused compensation in a case like this to an Austrian? The noble Lord (Viscount Palmerston) had nearly involved this country in a war on account of the wrongs suffered by Don Pacifico; but those wrongs were a mere fleabite compared with those endured by this poor man. He begged therefore to move for a Committee of Inquiry.

CAPTAIN SCOBELL seconded the Motion. In 1806 M. Bonacich was young, strong, and independent; but if they could see him now, they would behold an old, decrepit, and almost heartbroken man. He trusted that the House would grant the Committee, and so prove to the world that there was no act of justice too minute for Englishmen to inquire into and to perform.

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire into the Petition of M. Bonacich, relative to the improper seizure of the *Novello*, and to report how far he is entitled to compensation from the British Government."

VISCOUNT PALMERSTON said, there was no man more ready than he to do justice to the fair claims of any foreigner who had received detriment from England or from English subjects. He had himself, in his former official capacity, been so frequently called upon to demand justice for English subjects from Foreign Powers, that he could never refuse to concede justice to the aggrieved subjects of Foreign Powers. He did not think, however, that it was expedient that the House should, unless upon very strong grounds being shown, take up the consideration of claims which had been frequently and maturely considered by the Government, because, if such a course were adopted, the time of the House would be completely occupied by the consideration of such matters. With respect to the claim of M. Bonacich, however, it did not at all come within the category; it had been carefully investigated over and over again, both by the Foreign Office and by the Treasury, and its ground assertained to be altogether untenable. M. Bonacich was, indeed, at the period in question, master of a brig, despatched with a cargo from the Mediterranean to this country; but he was in no degree or way the owner, as was suggested by the hon. Gentleman's statement, either of the ship or of its cargo, which belonged to a merchant at Venice, the cargo being consigned to a merchant at London named Levy. After the vessel had reached London, it required, in the opinion of M. Bonacich, certain repairs, and he accordingly placed it in the hands of a shipwright named Hailes to have those repairs made. While the ship was in this person's hands, an opinion having been started that it was in reality a French privateer, it was seized by the Admiralty Court; but, on its being shown to be *bonâ fide* an Austrian ship, it was forthwith released. M. Bonacich was then called upon to pay for the repairs which had been made by his orders. He refused to pay; and certainly he was thereupon sent to prison, but at the suit of the shipwright, not at the instance of the Government. The ship was afterwards sold, doubtless for a sum below its value, to pay the charges which had been incurred by M. Bonacich's own order. These were the facts of the case, and it appeared to him (Viscount Palmerston), as it had appeared to the Foreign Office and to the Treasury on several occasions already, when the case had been brought before them and carefully investigated, that M. Bonacich had no sort of claim whatever upon the British Government. Even were there any claim tenable as regarded the seizure of the vessel, M. Bonacich had nothing to do with that, for he had nothing to do with the property of the vessel; and as to his imprisonment, it was simply an imprisonment for debts which he had thought proper to contract, and the Government had no conceivable connexion with the matter. He would repeat that he had always been ready to concede any just claims upon us by foreigners; but were the Government to grant a Committee upon every claim that might be started by foreigners, the House would have nothing else to do from the commencement of each Session to its end. M. Bonacich, he believed, had received an advance of money from a benevolent society in this country that had been formed for the purpose of assisting foreigners in the prosecution of claims of this kind; the society, no doubt, conceiving the claim to be a valid one, and that they would get back their money out of the compensation anticipated; but he could assure that society, as he had assured the House, that, after repeated and impartial investigations, both by the Foreign Office and by the Treasury, it had been clearly ascertained that M. Bonacich had no sort or degree of claim whatever.

LORD STANLEY said, the noble Lord had done what he was sure to do—he had made a very ingenious defence; but he had failed to convince him, and probably the House, that a great act of injustice had not been committed through a mistake of the British Government. The noble Lord had argued, that M. Bonacich's arrest took place, not at the instance of Government, but on a private debt. That might be true: but, if so, under what circumstances was the debt contracted? It was contracted in consequence of the utter ruin brought on M. Bonacich by the expenses of a suit instituted by Government, on grounds which ultimately proved to be unfounded. It was proved that he was unjustly proceeded against; and yet, by the expenses of that confessedly unfounded prosecution, he was ruined. That being the case, he (Lord Stanley) thought that Government, though it might not be primarily the cause of his arrest, was indirectly so, and was responsible for it. Then the noble Lord had rested on the ground of prescription: he had said that the case had been repeatedly looked into, that it was one of very old standing, and that it was now too late for redress. Certainly his (Lord Stanley's) feeling was, that where injustice had been done, the greater the delay that took place in obtaining reparation, the more effectual ought that reparation to be. Prescription was undoubtedly a strong argument against reopening a suit between two private individuals: the law held it so, first, because it might be difficult for an individual proceeded against to produce rebutting evidence after a considerable lapse of time, and thus some security was required against fraudulent and vexatious suits: and, secondly, because it was presumed, in cases where property was concerned, that such property might have changed hands in the lapse of years, and thus that the person originally responsible could no longer be proceeded against. But neither of these objections applied to the case where a Government was defendant; for a Government had in its archives all the evidence required for its defence, no matter how remote the period; and it was a recognised principle, that every Government must be responsible for the acts of its predecessors. He thought, therefore, that the length of time which had elapsed was no bar to the case being now investigated. Of course it would be for M. Bonacich to explain why he had never been able, until the present time, to obtain the evidence required to make good his claim. He (Lord Stanley) would not enter into the merits of the case, which the House was not a fit tribunal to examine. All that they had to do was, to consider whether a *primâ facie* case for inquiry before a Select Committee had been made out. It was his decided opinion that such a *primâ facie* case existed: and he had come to that conclusion when called upon officially to investigate the case last year. Therefore he should support the Motion.

Mr. MILNER GIBSON said, he had been concerned in pressing the claims of a good many persons both against the English and Foreign Governments; and he had always felt that an individual merchant, and more especially a foreigner, always laboured under very great difficulty in endeavouring to enforce claims of this kind against so strong a power as the Government of a country. He (Mr. M. Gibson) thought they ought to take a favourable view with regard to this case; and not require to be satisfied as to the amount of compensation due, as if they were a judicial court, but simply to look upon themselves as a jury, seeing whether there was a *primâ facie* case for inquiry. In this transaction he thought there was such a case; because the Admiralty Court, having seized the ship by mistake, M. Bonacich had a right at least to be reimbursed for the fees he had paid into the Admiralty Courts. He thought they should be dealing very hardly with M. Bonacich, if they attempted to set up a statute of limitations in this case, and refuse him justice because the transaction complained of had happened so long ago.

Mr. MUNTZ, in reply, said, that the vessel, in consequence of having been detained so long, only fetched 1,000*l.*, and of that all was absorbed by the proctors, except 130*l.*, which went towards satisfying a claim against it of 600*l.* The case of the Baron de Bode had been brought before the House of Lords by one of the ablest men God had blest this country with; and though it was on a greater scale, it was not nearly so cruel.

Mr. FITZSTEPHEN FRENCH said, the Government had themselves been the occasion of the lengthened time which had elapsed between the seizure of the vessel and the claim for reimbursement.

Mr. HUME said, that last night the House had come to the following Resolution:—

> "That the Commissioners of Her Majesty's Treasury of the said United Kingdom be authorised to pay out of the said Consolidated Fund any costs, damages, and expenses attending seizures of ships, detained, but not condemned."

If this ship, the *Novello*, had been seized by Government officers, detained for five years, and had not been condemned, surely it was a case to which that Resolution was exactly applicable.

Mr. J. WILSON said, he was glad of the opportunity to explain that Resolution, and an Amendment which he proposed to introduce on bringing up the Report. The power of the Treasury was intended to be confined to granting such expenses merely as should be awarded by the Court before whom the case might be tried; and he intended to introduce an Amendment to make that clear.

Mr. CAYLEY hoped that the noble Lord opposite (Viscount Palmerston) would relent, since there seemed to be a very strong impression in favour of the Committee.

Viscount PALMERSTON said, he had only performed his duty in stating to the House the reasons why the Government thought the claim was not well founded, and therefore why he thought it would be an unnecessary occupation of the time of Members to appoint this Committee; but, as it seemed to be the general opinion of the House that an inquiry should be gone into, and as the noble Lord opposite (Lord

Stanley), who had officially viewed the subject, was of the same opinion, although he had not explained why he himself had not admitted the claim, he should not object to the Committee.

Motion *agreed to.*

LETTER CARRIERS.

Mr. T. DUNCOMBE said, he rose to bring under the consideration of the House the grievances of the letter-carriers of Great Britain and Ireland. He brought forward this subject in consequence of the numerous petitions which had been presented to the House from the letter-carriers of upwards of 400 towns and districts in England, Scotland, Ireland, and Wales, complaining of the inadequacy of their pay, a grievance which had been greatly aggravated in consequence of their having been prohibited in July last by an order of the Postmaster-General from receiving Christmas-boxes, and of other hardships. He admitted that paying public servants by gratuities of that nature was a bad and vicious principle, and the letter-carriers agreed with him in that view; but that which had been sanctioned by time should not be suddenly taken from them without some increase being made to their miserably small incomes. The order of the Postmaster General, which, as he said, was issued in July last, applied of course to letter-carriers in all parts of the country; but a great deal of influence was brought to bear upon the Government in the case of the metropolitan letter-carriers, and the order was suspended with regard to them, though it was enforced upon the provincial letter-carriers. With regard to the London letter-carriers, there was a distinction maintained among them which he never could understand. The letter-carriers in the metropolis numbered about 900 district or blue-coated letter-carriers, and 300 general or red-coated carriers. Hitherto, as he had previously stated, the prohibition from receiving Christmas gratuities had not been enforced in the metropolis; but still there were inequalities and hardships which they suffered which ought not to be continued. If there were any difference to be between the two bodies, the blue-coated men ought to receive the highest pay, on account of the larger amount of work they had to perform. But the contrary was the case, for while the general postman's duties were generally over by 10 or 11 o'clock in the forenoon, and he received a salary of from 23*s.* to 30*s.* a week, with a very good superannuation salary, the blue-coated men, those that used to be known as the twopenny postmen, were employed delivering letters from morning till night, and in point of fact delivered as many letters from the country as the general letter-carriers did; and yet these men were worse paid and received a less superannuation allowance than the others did. The strongest case, however, which he had to submit to the House was on the part of the provincial letter-carriers. One of their complaints was, that if they fell ill, or were wounded in the public service, their pay was stopped during their absence from sickness. Here was a case from Deal in illustration of this. A man writing to him from Deal said—

> "On the 10th of January, 1852, I was, while in the execution of my duty as a country letter-carrier, on my return to the post-office, Deal, knocked down by a horse and cart, the night being very dark, when two of my ribs were fractured, and I sustained other severe injuries, which prevented me from attending my duty for four months, during which time I received no allowance whatever from the Post-office; but as soon as I was able to write I petitioned the Postmaster General for relief, from whom I received the enclosed answer. I further beg to state that I perform a distance of 20 miles daily, commencing at 6 a.m. till 8 p.m., for which I receive 14s. per week, and no superannuation to look forward to in case of old age."

The reply was as follows:—

> "General Post Office, March 1, 1852.
>
> "Sir—The Postmaster General having had before him your memorial, praying to be granted pecuniary assistance during your absence in consequence of an accident received by you while performing your duty, I am directed by his Lordship to inform you that he has no power to afford you the relief for which you apply.—I am, your obedient servant,
>
> "J. Tilley, Assistant Secretary."

Now, he contended that was a very hard and cruel answer. They complained, also, of the unequal amount of labour which they had to perform. In Manchester, with a population of 350,000, there were 80 carriers, besides messengers; in Leeds, with a population of 181,000, there were 20 carriers, besides district messengers; in Sheffield, with a population of 70,000, there were 15 carriers and 6 messengers; and in Bradford, with a population of 120,000, there were 7 carriers, with 5 district messengers; so that the Bradford men must have at least ten times the work to do that the Sheffield men had. They complained, also, that they received no superannuation allowance after many years' service. He begged the attention of the House to the following singular case, which had been sent him by a person residing at Bridport, who stated that it had occurred in that neighbourhood (namely, at Beaminster), and was strictly true. The extract was from the *Southern Times* of the 26th of February:—

> "One of our local letter-carriers—an old woman, who for 40 long years has been a servant of the public, and who is now in her 74th year—is, by a recent change in the postal arrangements for this district, about to be dismissed, and we fear without any kind of superannuation, after her long servitude. During the term of her official life the old dame must have walked a distance nearly equal to four times the circumference of the earth, a feat which surely entitles her to some little provision for the comfort of her few remaining years, and we sincerely trust that some earnest efforts will be made to secure this for her. At the present time her daily circuit is not less than eight miles, which distance she continues to get over with but little inconvenience."

If the Postmaster General and the Government were sincere in their professed desire to act justly in this matter, as he believed they were, the Resolution which he proposed would strengthen their hands and fortify them in their good intentions, for the Government, having stopped the Christmas gratuities of the postmen, would be obliged to tax the public in another way; and the public, he was sure, would not object to that, because they wished to see the public service properly remunerated. How could they get honest servants if they did not do so? He held in his hand an article which had appeared in the *Dundee Advertiser* upon this subject, in consequence of certain defalcations which had lately occurred in the Dundee post-office. It said—

> "The office of deliverer of letters is one of considerable trust, and ought always to be held by intelligent and respectable men. If the Post Office authorities think that 13*s*. a week is a proper payment for this class of public servants in a town like Dundee, we must altogether dissent from their opinion; and, although no breach of trust on the part of a carrier can be excused by the mere lowness of his wage, we think the recent defalcations in connexion with the Post Office here should be a warning that the present system is unsafe for the public, and places the carriers under the influence of temptations to which they should not be exposed. Why is not the delivery of letters properly regulated throughout the kingdom by the letter-carriers being paid at a fixed scale, and their number adjusted to the population of each town? There appears to be at present no system at all. Edinburgh has 70 letter-carriers, while Glasgow has only 48, although Dublin, which is no larger than Glasgow, has 98. That administrative reform which Mr. Disraeli pledged himself to have carried out, had he remained in power, seems to be nowhere more needed than in the Post Office."

He believed it was a good principle that the number of letter-carriers should be, as nearly as possible, adjusted to the amount of population in each town, because the population afforded a pretty fair measure of the number of letters. But, with reference to the subject of getting honest servants, he wished to say that while nothing could justify an act of dishonesty, and while, when it occurred, it ought to be severely punished, it ought at the same time to be recollected that we ought never to place temptation in the way of any one. The letter-carriers ought not to have an opportunity of saying that they were underpaid. But the fact was that in most cases the moment a letter-carrier was placed at the bar of a court of justice on a charge of dishonesty he pleaded guilty to the charge, and urged the smallness of his wages by way of excuse, though the answer of the Judge was generally a sentence of transportation for ten or fifteen years. He submitted that the petitions which had been presented to the House on this subject within the last few weeks were well worthy the attention of the House and the Government. The case of the letter-carriers, he was happy to say, had been warmly taken up by the middle classes and gentry out of doors, much to their credit, and he hoped it would be taken up no less cordially in that House. It was true that the class whose cause he was then pleading had no political claim upon their attention —they had no votes at elections—but he confidently relied upon the justice of their case, and with that feeling he begged to propose the Resolution which he had placed on the paper, and to which he hoped there would be no objection.

Mr. EWART, in seconding the Motion, said he had received strong representations from his own constituents with respect to grievances affecting individual letter-carriers, and he hoped the present Motion would be the means of leading to the redress of those grievances. There was nothing more remarkable in this subject than the difference of letter-carriers' wages in different parts of the country. In Bath the wages were 15*s*. a week, Glasgow 16*s*., Liverpool 20*s*., Dundee 13*s*., and London 20*s*. In a memorial from Liverpool he found it stated that there were four deliveries a day in that town; that the letter-carriers were employed from a quarter before six in the morning until eight o'clock at night, and that, although the town was full of noble institutions for the mental improvement of the working classes, the letter-carriers had not a moment left for the cultivation of their minds, and very few for the repose of their bodies. They also complained that they had no superannuation fund. He hoped that means would speedily be adopted by the Government to remedy these and similar grievances.

Motion made, and Question proposed—

> "That it appears to this House, from the numerous Petitions presented during the present Session, by the Letter Carriers of Great Britain and Ireland, that, considering the responsible and arduous nature of their employment, the amount of their official salaries is generally insufficient, and that their complaints of its inedequacy merit the attention of Her Majesty's Government."

Mr. NEWDEGATE said, he had felt so strongly on this subject that he had twice ventured to represent to the late Postmaster General (the Earl of Hardwicke) the great hardship which the order prohibiting the Christmas gratuities had entailed upon the provincial letter-carriers—a hardship which was aggravated by the fact that the London letter-carriers were still permitted to receive them. In many instances the receipts of the provincial letter-carriers had been reduced 20 per cent by that order; and the consequence was that the men were now unable to provide anything to fall back upon in their old age. He could not understand what reason there could be for allowing the London letter-carriers to receive gratuities, and forbidding those of Birmingham, Liverpool, and Glasgow to receive them. This was an anomaly on the very face of it. He had no desire to urge anything which could be called extravagant on the Government; but he wished to impress upon them that the result of curtailing the emoluments of the provincial letter-carriers would be, that the people in the provinces were likely to be worse served than the inhabitants of the metropolis.

Mr. J. WILSON said, that in a great deal of what had fallen from the hon. Member for Finsbury (Mr. T. Duncombe) he entirely concurred. He admitted, that taking into consideration their number and situation in life, there was, perhaps, not a more respectable and praiseworthy set of men in the country than those upon whom devolved the responsible and important office of carrying and delivering the letters of the public; and that, considering the responsible position which they held, and the actual amount of work which they performed, and considering, moreover, that the description of work which they had to perform was more nearly akin to common labour, and was therefore paid at a lower rate than other kinds of official employment, there was much to recommend them to the consideration of the House. His hon. Friend had referred to three distinct cases of hardship on the part of the letter-carriers. In the first place, he had called attention to the regulation which had been issued, not, as his hon. Friend supposed, for the purpose of prohibiting them from taking Christmas-boxes, but merely from soliciting them, which he admitted, however, amounted practically to very much the same thing. In the second place, he had called attention to the case of the London letter-carriers, and the differences which subsisted between the district postmen and the inland postmen. And, in the third place, he had called attention to the inequalities of emolument which prevailed in the different provincial towns. With regard to the country letter-carriers, who had been prohibited from soliciting Christmas-boxes, he begged to say, on the part of the Postmaster General and the Government, that he very much concurred in the observations and opinions which had been expressed by his hon. Friend, and he begged to state to the House that the Postmaster General had at this moment the case under his consideration, with the view of rectifying it in such a way as would best afford redress. He was sure that the House would not ask him to go further at present, feeling, as they must, that in a case like this involving an enormous sum of money, and the interests of thousands of individuals, it was only fair that the department should have full time to consider the various circumstances of the case. With regard to the second case, he begged to say, also, that the Postmaster General was quite prepared to admit that there were greater inequalities in point of emolument than could fairly be justified by the different duties the letter-carriers had to perform; and that the grievance complained of ought to be met in one way or another. The distinction between the two classes of letter-carriers which at present existed, as the House could easily understand, had arisen when the circumstances of the country were extremely different from what they were now. His hon. Friend had very properly called the attention of the House to the difference between the duties which the district postmen performed now, and those which they performed when they were twopenny postmen. The more frequent arrival of both home and foreign mails now during the day, had naturally added considerably to the labours of the district postmen. But one of the original reasons of the difference between the inland and district postmen still existed in the fact that the former were obliged to attend at the General Post Office at very early hours in the morning, before the deliveries commenced, in order to assist in the indoor business, such as the sorting of letters, and the like. There was not, perhaps, so much difference in the wages of the two classes of postmen, as in regard to the superannuation to which they were entitled—the superannuation allowance of the inland postmen amounting to between 20*l.* and 50*l.*, according to the length of service; and the superannuation allowance of the district postmen amounting only to between 15*l.* 12*s.* and 23*l.* 8*s.* This small remuneration worked disadvantageously for the public service, for it rendered men unwilling to retire even after they were incapable of discharging their duties. This subject was also under the consideration of the noble Lord at the head of the Post Office, and he felt quite sure that his hon. Friend, with this assurance, would rather be disposed to leave it in the noble Lord's hands than to take a vote of the House upon it. With respect to the differences of emolument existing in different parts of the country, he begged to remind the House that nothing could be more unfair than that services which varied in amount in different parts of the country, should be paid at the same rate. And, again, he would say that nothing could be more unreasonable than to pay the salaries of public servants in different parts of the country without regard to the ordinary wages prevailing in those districts. His hon. Friend (Mr. Ewart) had quoted the case of Bath, Glasgow, Liverpool, and London; but it was evident that no fair comparison could be made between the case of a quiet town like Bath, and a large manufacturing town like Glasgow; and he was sure the House would agree with him that the Government were bound in duty to the public to consider at what rate the public service could best be performed, and that they would fairly expose themselves to blame if they paid the postmen at Bath 20*s.* a week simply because the postmen at Liverpool—where wages were higher and the duties more onerous and more responsible—were paid at that rate. The House would see that the Government

could not, under circumstances so various, introduce anything like a system of uniformity, either as regarded numbers or emoluments. With respect to the number of postmen, he maintained that population afforded by no means an accurate test. It was evident that at Liverpool, where foreign packets were arriving at all times of the day and night, and at Birmingham—which was a kind of thoroughfare for the mails—a larger number of postmen, in proportion to the population, was necessary than at other places differently situated. He begged to remind the House, too, that this was a question involving very serious provincial considerations. He was quite sure that the House of Commons had no desire to be parsimonious in the case of such a deserving body of men as the letter-carriers; but, at the same time, considering the hundreds of thousands of pounds which this country paid annually in connexion with the Post Office, and the large proportion of the postal receipts which were annually sacrificed—he did not say improperly—for the public convenience, the House should bear in mind that in the case of so vast a body as the letter-carriers, the slightest increase in their wages must form a large charge upon the small balance of postal receipts which at present remained. He hoped that the answer he had given his hon. Friend would be found satisfactory. The first and second cases were under the consideration of the Postmaster General: and, with regard to the third, it was impossible that any general rule could be laid down where the circumstances were so various; but he assured the House that the Government would be ready to deal with each case on its merits.

Mr. MICHELL said, there were cases in the provinces much harder than those in London. At Bodmin, the letter-carrier, who gave his services seven days a week, and for many hours a day, received only 7*s.* a week, paying 3*s.* for his rent and taxes, and living, he and his family, on the remaining 4*s.* Twice, however, he had made application to the Postmaster General in vain, notwithstanding that this case was aggravated by the late prohibition of the gratuities.

Mr. DUNCAN said, in Dundee, defalcations were taking place to a considerable extent, and he attributed it entirely to the small amount of remuneration received by the letter-carriers. As an instance, one of them walked twenty miles a day, and the pay was only 13*s.* a week, He must also complain of the small number of letter-carriers in Dundee—only seven—for a population of about 80,000. At Edinburgh the number was seventy; if it were in proportion to the population of Dundee it would be only twenty-seven, The matter required, and he hoped would receive, the attention of the Government.

Mr. T. DUNCOMBE thought it would be most unreasonable on his part to occupy the time of the House one moment longer after the satisfactory assurance given by the hon. Secretary of the Treasury, and with their permission would withdraw his Motion.

Colonel SIBTHORP, amid loud cries of "withdraw," said, he wished to state that he was obliged to the hon. Member for Finsbury for having brought the subject forward, and that he was glad to find the hon. Member for Westbury (Mr. J. Wilson) admitting that there existed a necessity for revision, and promising that such a revision was about to take place. The provincial letter-carriers claimed the attention of the Government, and were entitled to higher remuneration.

Sir De LACY EVANS said, that while satisfied with the assurances that had been given to the House by the hon. Secretary to the Treasury, he would wish to draw their attention to an order which had been issued within the last two or three days to the receivers of letters, that instead of closing the letter-box, as at present, at 8 o'clock in the evening, that hour would be discontinued, and 10 o'clock substituted in lieu of it. He was anxious that the interest of the receivers of letters should be attended to, and yet that there should be no disposition on the part of the Government to prolong the hours of the postmen.

Mr. J. WILSON said, it was true that a later hour had been fixed on, instead of 8 o'clock, but it was also true, that for the performance of that additional duty, and for other duties, the Postmaster General had just applied for additional men. He was also desirous that no misunderstanding should go abroad on a subject like the present, and, therefore, wished to state, in reference to what had fallen from the hon. and gallant Colonel, that he had not spoken of the general condition of the servants of the Post Office—[Col. Sibthorp: Then you ought to do so]—but only as to the particular cases brought before the House by the hon. Member for Finsbury. He had stated that each case would be considered on its own merits.

Mr. V. SCULLY said, he must claim the consideration of the Government for the letter-carriers of Ireland. He knew an instance of an old man who for the last twenty years had walked 7,300 miles a year, the salary for which was 10*l.* a year, or just a penny for every three miles, a less rate than they would ask an Irish donkey to travel at, and yet this man might be dismissed and would have no pension. The postal arrangements in Ireland were miserably defective. Several days were occupied in the transmission of a letter from Dublin to Kilkenny, and that was not an uncommon case. There was an immense deal of cheeseparing in the Irish postal department.

Mr. MAGUIRE said, he did not think the answer of the hon. Secretary of the Treasury satisfactory. In the south of Ireland there were many cases in which the duties of the letter-carriers had been greatly extended, while their pay remained inadequate. He knew an instance of two towns, distant from each other only seven miles, in which it took three days for the transmission of a letter from the one to the other.

Mr. HUME said, he thought that this discussion showed the danger of meddling with the Executive Department of the Government. The hon. Member near him (Mr. V. Scully) had talked of cheeseparings. Was it not the fact that for one vacancy in the Post Office service there were fifty applicants? Government were bound to obtain labour on the same principle on which private persons acted. He did not object to additional allowance where the duties justified it. He thought the assurance of the hon. Secretary for the Treasury satisfactory, and was glad his hon. Friend the Member for Finsbury proposed to withdraw the Motion.

Mr. M'CANN said, that between Drogheda and Dundalk there were two trains passing each way daily, but a letter took two days in getting from one place to the other. He wrote a letter one Friday, and he received an answer on the Tuesday, and in the interim he had been to London and back again.

Captain SCOBELL said, he suggested the adoption of a scale of remuneration according to seniority, so that a man who had been twenty years in the service might have something more than the man who had only been two or three.

MR. MUNTZ said, in answer to the statement of the hon. Member for Montrose (Mr. Hume), that for every vacancy there were fifty applications, he had within the last three weeks procured a situation in the Post Office of ten shillings a week for a poor man, and when he had been in a fortnight, he came to him and said he had to walk such a number of miles that he was obliged to resign it. There might be a great number of applications by persons who did not know what the employment was. He liked economy as much as any man, but to employ men at less than that for which they could afford to do their work well, was anything but economical.

Motion, by leave, *withdrawn.*

THE ECCLESIASTICAL COURTS.

MR. COLLIER said, he rose to move for a Select Committee for the purpose of inquiring whether the Ecclesiastical Courts might not be advantageously abolished and their jurisdiction transferred to other existing tribunals. He had not given notice of the Motion till the intentions of the Government had been announced from the highest authority; and if that announcement had been as satisfactory with respect to the Ecclesiastical Courts as it had been in reference to the Law Courts and other subjects, he would not have meddled with the question. But he understood the Government intended to wait till a Commission, appointed just before last Christmas by their predecessors, and which was only intended to inquire into the testamentary jurisdiction of those Courts—which had been inquired into over and over again, and uniformly condemned—had made its Report. The material point to consider was, what was to be done with the rest of the jurisdiction; and, inasmuch as the Commission could not settle that matter, it seemed far better that a Committee of that House should take the whole subject into their consideration. He might at the same time observe, without the slightest intention of disparagement to the Commission, that it might have been more satisfactory to the branch of the profession to which he belonged, and to the public in general, if the legal members of it had not consisted entirely of Chancery barristers and of civilians practising in the Ecclesiastical Courts, the latter of whom it was not too much to suppose somewhat in favour of the proceedings of the Courts in which they practised, and with respect to whom it might justly be said, they were likely to enter upon the inquiry with some prejudice. Now, he ventured to say, that of all the abuses at present existing in this country, there were none at all comparable with that of the Ecclesiastical Courts. There was already, curiously enough, a system existing in which law and equity were administered in different courts and by different Judges; but that a third system of administering justice—a third series of Courts, with doctors and proctors, clerks of the seats and deputy clerks of the seats, surrogates, apparitors, deans and judges—should exist also, was a reproach to the civilisation of this country. These courts had, with the most wonderful success and pertinacity, resisted hitherto every attempt to reform them. While the Chancery Courts and the Courts of Common Law had been reformed and amended, these Ecclesiastical Courts, which had been reported upon over and over again, and had been condemned whenever they were reported on, still subsisted without the smallest change. Not to weary the House with reference to ancient times, in 1830 a Commission of practitioners and Judges in these Courts was appointed, who, after examining as to the whole system, reported strongly in condemnation of them; but the measure they proposed was extremely inadequate, as it was only to abolish them all except the Archiepiscopal Courts of York and Canterbury. But in 1834 the Real Property Commission proposed that all these Courts should be, without exception, entirely abolished. In 1845 a Committee of the House of Lords, after finally considering the subject, reported that the testamentary jurisdiction of these Courts ought to be abolished; and a Bill was carried through the Upper House for the purpose of substituting a central tribunal for probate and administration of wills. Very possibly, if the County Courts had then existed, the Lords would have transferred a considerable portion of that jurisdiction to them. This and several other measures had been introduced into this House, but, by some influence or another, had been uniformly defeated. A Committee, appointed so lately as 1850, had reported in terms of the most unqualified condemnation of the whole system of these Courts. The Irish Ecclesiastical Courts likewise had been inquired into by a Committee, over which the present Solicitor General for Ireland had presided, and they had reported as strongly against them as the English Committees and Commissions had reported against the English Ecclesiastical Courts. Now, the question to be considered on the present occasion was, if it was worth while to stop short with the testamentary jurisdiction of those Courts, or with any measure short of an entire abolition of them? Let them see what the jurisdiction of the Ecclesiastical Courts was; and, first, their jurisdiction in cases of wills and administrations of estate. This jurisdiction had been usurped originally, for our Saxon ancestors had been in the habit of settling all questions of that kind in the old County Courts; nor was it till the time of the Normans that the ecclesiastics contrived to seize on this jurisdiction over the effects of the deceased. The reasons assigned for their seizing these powers would probably amuse the House. It was said that an ecclesiastic, being commonly "in at the death" of the testator, would know his intentions better than any one else, and that if that was not the case, he would at all events know what the testator ought to have meant, and would determine that his property should go *in pios usus*, or that, being more conscientious than a layman, he would take more care his estate should be devoted to the payment of his debts. But it appeared these anticipations were not altogether realised, for the ecclesiastics took possession of the estates themselves, and deprived widows, and children, and debtors of their rights, contriving to appropriate all the effects of the intestate to their own uses. In the great charter of John, an attempt was made to prevent this practice, but it did not succeed, nor did a subsequent provision to the same effect; so that it was not till the reign of Edward I. that a statute was passed, requiring the ecclesiastics to distribute the effects of the deceased to the creditors, nor till the time of Edward III. that that object was really effected and carried out. What was more to the point, however, was, how was the jurisdiction of these Courts administered at the present day. In this country there were no less than 372 Ecclesiastical Courts. They consisted of Archiepiscopal Courts in York and Canterbury, of Diocesan and Diaconal, and Archidiaconal Courts in each, of Prerogative Courts, and Courts of Arches. Now, in the first place, it was difficult to decide in what jurisdiction a man died, so that probate should be taken out to his will or administration to his effects in the proper Court. Suppose, for example, probate was taken out in Exeter, but it turned out that the deceased was possessed of *bona notabilia* above the value of *5l.* in any other diocese, the probate was utterly void, and an action could be maintained against the executors on the probate by showing there was *5l.* of *bona notabilia* in another diocese. The consequence was, that in general it was necessary to obtain probate in the metropolitan Prerogative Court, which was attended with great expense and inconvenience. If, however, the deceased had *bona notabilia* in another province, the executor must go and get a probate in the Prerogative Court of that province also. Moreover, that probate was of no use in either Scotland or Ireland. Now, considering the great increase of personal property, and the doubts which existed as to the exact nature of *bona notabilia*, it was desirable that a person should be enabled to have perfect security in taking out probate—a security which could not now be had. Such a state of things appeared to demand inquiry. But, even in obtaining probate, supposing it to be secure, there was great expense. One had to pay in most cases not only an attorney, but a proctor; then came the fees charged by the various officers; and, in order to show what these were, he would read an extract from a return moved for by the hon. Baronet the Member for Marylebone (Sir B. Hall), with respect to the Prerogative Court of Canterbury. He would take the year 1849. First came the judge, Sir Herbert Jenner Fust, whose income was 3,904*l.* 13*s.* 8*d.* Next came the registrar, the Rev. Robert Moore. It appeared that this gentleman, the Rev. Robert Moore, received for the duties of this office no less a sum than 8,265*l.* 17*s.* 4*d.* a year. As to this gentleman, he was informed he had never performed a single duty connected with the office, but had discharged the duties of his various employments, which had for the last thirty years yielded an average of 8,000*l.* sterling per annum, by deputy. In the course of that period the Rev. Robert Moore had received an income of not less than 300,000*l.*, without having performed one service attached to his office. Why, it was only last night that they had heard a long debate, and a discussion which lasted a considerable time, merely on granting a pension of 700*l.* a year to a gentleman whom all agreed to have performed important services with advantage to the country. How was it, then, that this monstrous sinecure, a greater than which had never existed in this country, should have endured so long? Without the slightest disrespect to the hon. Member for Montrose (Mr. Hume), he must express his surprise and wonder how he had been able to sit quietly and endure it. [Mr. HUME: I brought the case forward twenty-five years ago.] Why, that made his case against the hon. Gentleman the stronger. If the grievance had provoked the hon. Member twenty-five years ago, why had he allowed it to go on ever since? Besides this great sinecurist, there were the Archbishop's registrars, three in number, with 2,322*l.* 12*s.* a year; then came the three clerks, who in 1849 enjoyed an income of 833*l.* 12*s.* In 1850, however, for some reason or another, these clerks' incomes were reduced to 85*l.* 17*s.* 2*d.* each. Now, these were the men who did all the business. Such being the incomes paid to the officers of these Courts, the least the public had a right to expect was, that there should be decent accommodation for the wills in their charge, and that they should be kept in secure places. The Reports which had been laid before that House, however, showed that the records and muniments of one Court were kept in a room close to a carpenter's shop, and over a yard filled with billets of wood and shavings, so that they would all be destroyed if a fire took place; they were placed in bad, damp rooms, and up to the present moment no proper place had been provided for their custody. Besides, the registry was conducted on such a system that it was almost impossible to find a will where it ought to be. A will could not be found by a rich man without considerable expense; to a poor man it was impossible. These Courts were destitute of all perfect jurisdiction—they could not pronounce final judgments in many cases—they could not try by jury, and, being unable to examine witnesses *vivâ voce*, the result was, that they caused great expense to the parties by taking evidence on interrogatories. They had also no power to order the administration of an estate, nor to order trustees or executors to pay legacies—powers which the Court of Chancery had. The Ecclesiastical Courts could take a bond from an administrator for the due administration of assets, but they could not enforce that bond, for payment of which recourse must be had to the Courts of Common Law. The House would further observe that all the jurisdiction of which he had been speaking related to wills of personal property, for the Ecclesiastical Courts had no power to deal with wills devising real property, which was a great defect in the administration of the law. The consequence of this was, that a will could be contested in three Courts at once, and he would state a case which recently occurred as an example of this:—A gentleman in Devonshire died about three years ago, leaving to his widow, to whom he had been much attached, a handsome provision of between 200*l.* to 300*l.* a year. His will was contested on the ground that he was insane when he made it; but the Court came to the conclusion that he was perfectly sane at the time. Meantime, the estate had got into Chancery. Six years afterwards a jury was empanelled at Exeter to say whether the man was insane or not. They found him sane, and that he had been sane all his life. Now here was one will which became the subject of litigation in the Ecclesiastical Court, the Court of Chancery, and the Court of Common Law; and the widow, for whom the testator had made an ample provision, was imprisoned in consequence of the ruinous costs of these proceedings. The County Courts had been tried and had been found satisfactory, and there was no sound reason why Parliament should not intrust a portion of testamentary jurisdiction to them. He would suggest that probate should be granted within the jurisdiction of the County Court in the district in which the testator resided at the time of his death, without reference to the question of *bona notabilia*, and that one probate should do for all parts of the United Kingdom. It seemed to him, also, that the County Courts might be intrusted with jurisdiction over wills involving property to any amount if the parties chose to submit to that jurisdiction; but if more than 300*l.* were at stake, jurisdiction in disputed cases should be given to other Courts; and the question was, whether it should be given to the Courts of Common Law or of Chancery. It seemed to him more desirable to give that jurisdiction to the Courts of Common Law, because, for one reason, those Courts exercised their functions locally, while the Judges were on circuit, which was a great convenience to the suitors, and because the Court of Chancery at present had its hands full, and any increase of business would render necessary an increase in the number of Judges; whereas, if he were rightly informed, the Common Law Judges could perform the additional functions which would devolve upon them without any additional assistance. It would be very desirable for County Court Judges to have an equitable jurisdiction where estates were under a certain amount. At present, in cases where the estate was under 500*l.* in value, it was never worth while to go into Chancery; and he would therefore give a summary equitable jurisdiction to the Judges of the County Courts. He had a further suggestion to make relative to the instrumentality of the County Courts with respect to registration. One of the great *desiderata* of the day was a proper system for the registration of wills; and what he proposed was that the will should be taken in the first instance to the registrar—the Judge might appoint one of his clerks to the office—of the County Court in the district of which the testator dwelt at the time of his death, and, upon probate being granted, it should be transmitted to a central registry in London, where an index of all the wills in the country should be kept, and copies of the indices should be also preserved in the district Courts. He understood there was already a nucleus for the establishment of such a registry in the County Courts—namely, an office in process of formation for the registration of all judgments above 10*l.*, and he would make that available for the purpose of effecting the registration of wills. He would now add a few words with regard to the remaining jurisdiction of the Ecclesiastical Courts. Those Courts had unlimited power of granting divorces *à mensa et thoro*, but not *vinculo matrimonii.* He thought, however, that when this country had recognised the right of Dissenters to be married out of the Established Church, and when marriage was recognised as a civil contract, there could be no reason why that jurisdiction should be confined to the Ecclesiastical Courts. Even in Roman Catholic countries, where marriage was a sacrament, the power of divorce *à mensa et thoro* was exercised by the civil Courts; and in France, and the Protestant countries of Prussia and Holland, that power was exercised by the ordinary civil tribunals. He was aware that a Committee had been sitting for two or three years to consider this question. He did not know when their Report might be expected, but he hoped it would deal thoroughly with the subject under their investigation. He would not now go into the question as to the mode of granting a divorce *a vinculo matrimonii*; but he would merely observe that it was a great hardship upon a poor man that it was utterly impossible for him at present to get rid of his wife. He recollected a case where a poor man was convicted of bigamy, who defended himself by referring to the fact, which was proved on the trial, that his wife had been guilty of gross misconduct. The Judge, however, pointed out to him that he ought to have gone to the Ecclesiastical Court in the first instance, afterwards to a Court of Common Law, and finally to the House of Lords, when he would have obtained a divorce; and finished by sentencing him to one week's imprisonment. The Ecclesiastical Courts had another jurisdiction over the enforcement of Church-rates, and he must express his hope that those Courts would not be long troubled with that jurisdiction, but that the subject of it would be abolished, and that, too, by the present Government. The other functions of the Ecclesiastical Courts were partly civil and partly ecclesiastical; they had jurisdiction over heresies, fornication, solicitation of chastity, procuration, power of ordering penance, and the power of passing sentence of excommunication, but they were not allowed to exercise it. These Courts, in fact, were the mere shadow of what they were; they belonged to days gone by—to days when there was one Church to which every man man belonged, when people were unconscious of the meaning of Protestantism and of Protestant Dissenter, and to days when the Church had all the power, because she had all the knowledge. Those days, however, had passed by, and with them had passed the vitality of these Courts. Their influence had gone, their censures were laughed at, and he trusted they would be no longer allowed to play their fantastic tricks in Doctors' Commons, amidst, he might say, the contempt of the country, but that they would be abolished, and that the judicial institutions of the country would be placed upon a footing more consonant to the feelings and the civilisation of the age. A word now upon the subject of vested interests. He knew they were great favourites with that House and the country, and he was far from denying their claims. It would be necessary, therefore, that compensation should be given to those interests. It might also be said, that the civilians and proctors who practised in those Courts were entitled to compensation. Now, he did not desire to say one word in disparagement of those gentlemen. The Bar practising in Ecclesiastical Courts was a body of learned and honourable men; but he did deny the right of any body of practitioners to say that abuses should be perpetuated for their benefit. It seemed to him that it would be as reasonable for the members of the Common Law Bar to object to the County Courts, which certainly diminished their practice, and to demand compensation; it would be equally as reasonable for innkeepers on the post roads to demand compensation for the loss of business they had sustained by the introduction of railways. The fact was, they must all go on with the times, and it would be impossible therefore, in his opinion, to recognise the right of the practitioners in any Court to set up a claim of vested interests. He thought, however, the proctors should be admitted as attorneys, and admitted to practice in the Courts of Common Law, while the civilians should be admitted as barristers to practice in the other Courts, and he believed that if this were done, their learning and ability would secure to them the same amount of practice in the new Courts as in those in which they had been in the habit of practising. As to another jurisdiction possessed by the Ecclesiastical Courts, that of the Court of Admiralty, he had not the same complaints to make. In many cases that was a highly beneficial jurisdiction. The Court of Admiralty had powers which the Courts of Common Law had not. It had power over the vessel itself, which was an extremely useful power, and in cases of collision it had also the power of ordering an equitable adjustment of the damage between the parties, according to the extent to which they were blameable. The Court had jurisdiction, too, over cases of salvage; and the practice of consulting two Trinity Masters was also in many cases extremely beneficial. It was felt, however, by the seaport towns, one of which he had the honour to represent, that the local administration of the jurisdiction of the Court of Admiralty would be very useful. They complained, and with some justice, that all cases had to be sent to London for trial; that there was the double bill to the parties of a proctor and solicitor; and that considerable delay and expense were incurred; whereas the shipowners in those towns said they saw no reason why this jurisdiction should not be administered by local tribunals. It seemed to him that it would be matter worthy of consideration by the Committee whether the County Court Judges might not exercise this jurisdiction very beneficially, or it might be conferred upon some of the Recorders of the seaport towns. He thanked the House for listening with so much patience to what he feared, from the nature of the subject, had been a very dry statement; but he had endeavoured to condense his observations into as small a compass as possible. If he were accused of rash and wanton innovations, and of destructiveness, as regarded existing institutions, he would adduce a precedent very strongly in his favour—namely, that what he proposed to do in this country had already been done substantially in Scotland, where the Commissary Court and the Admiralty Court had been transferred to the Sheriff's Court and the Court of Session. He had no desire to effect any rash and violent changes; he preferred that our institutions should be adapted to the progress of the times, and that they should be acted upon by public opinion. But public opinion had never been brought to bear upon law reform; the subject had been shrouded hitherto in almost impenetrable obscurity as far as the general public were concerned; they had been scared away from investigation by the sight of cartloads of law books in mediæval jargon, and had left the whole question in despair in the hands of the lawyers. Those gentlemen, he confessed, were upon the whole chargeable with not having done what they might have done with regard to law reform, and they had never properly carried out the maxim well known—*cessante ratione cessat lex.* He trusted that the reforms so urgently needed would be thoroughly and satisfactorily carried out on the part of the Government; but he believed, with respect to our Ecclesiastical Courts, that they were the *vulnus immedicabile* of our judicial system, and one the only remedy for which was the knife.

MR. HUME, in seconding the Motion, said he agreed in every word of what had fallen from the hon. and learned Gentleman, and hoped the Government would give their sanction to the appointment of a Committee from whose inquiries nothing but good could result.

Motion made, and Question proposed—

"That a Select Committee be appointed for the purpose of inquiring whether the Ecclesiastical Courts might not be advantageously abolished, their jurisdiction over all matters not purely Ecclesiastical transferred to other existing tribunals, and new Courts established for the purpose of dealing speedily and effectually with matters purely Ecclesiastical; and whether the jurisdiction of the Court of Admiralty might not be advantageously transferred to local tribunals."

The SOLICITOR GENERAL said, he was exceedingly happy that this subject had been introduced to the attention of the House, and he thought they must all agree that a more vivid and striking delineation of the evils attendant upon the ecclesiastical branch of our judicial system could never be presented to the House than that which had just been given by the hon. and learned Gentleman. He was sorry to say that in the whole of that representation he recognised nothing but confessed, acknowledged truths, which had been ascertained for a long period of time, and about which they need no longer inquire; but there still remained a subject, the difficulty of which could not be exaggerated, and that was, to ascertain the mode in which the remedy was to be applied, so that it might be effectual, and that it might be applied even further than the hon. and learned Member had suggested—so that it should extend not only to the evil and anomaly of the jurisdiction of which he complained, but to the evils and anomalies which existed in an almost equal degree by reason of the establishment in this country of so many discordant and antagonistic jurisdictions. Would it be believed that in a country so far advanced in science and civilisation as our own they should have endured for ages this striking and ridiculous anomaly—that you elaborated justice by the monstrous process of allowing one Court to proceed upon principles, and by a rule of procedure which was confessedly opposed to the established principles of the highest degree of justice, and that you sought to remedy the evil by setting another Court to catch and arrest it in its career of injustice? He could assure the House that the evils were not confined merely to Ecclesiastical Courts, but they extended to other jurisdictions; and before an effectual remedy could be devised, there must be a consolidation of these conflicting jurisdictions, in order that justice might no longer be divided, as it was now, into different degrees and different qualities, but that there might be one kind of justice, derived from one common fountain, administered in all the tribunals. The intention of applying a remedy to the existing evils, would, he trusted, be completely acted upon by the present Administration. But it was undoubtedly necessary that, in accomplishing those measures which were required, the Government should proceed to effect them in a complete manner; and, though he was exceedingly reluctant to interpose any delay — though he was extremely unwilling to suggest a course which should savour, or appear to savour, of a disposition to put off investigation—yet he was obliged to remind the House that inquiries were pending at this moment on three most important subjects comprehended in this Motion. There was now sitting a Commission for the consolidation of certain branches of the law; and to the same body was referred the important subject of the testamentary jurisdiction of the Ecclesiastical Courts, not for the purpose of inquiry into the evils existing in that jurisdiction, for, he believed, they were generally acknowledged, but for the purpose of considering the manner in which that jurisdiction could be transferred to some other tribunal or tribunals, so that justice in that respect might be completely administered. Though he was perfectly well aware of the necessity of measures being brought before the House, yet he was deeply impressed with apprehension lest the progress of this great reform might be retarded if the matter were referred to a Committee of that House; and lest, when another body were of necessity prosecuting their inquiries, discordant Reports should be received for the suggestion of remedies wholly inconsistent with each other. He trusted that the hon. and learned Gentleman would rest satisfied with the assurance, founded on a conviction of the existence of the evils that prevailed, which was given when a noble and learned Lord in another place stated, that, after waiting a certain time for the Reports of the Commission, he should, if they were not presented, or the remedies proposed were not effectual, himself bring forward a measure, which, he trusted, would prove an effectual remedy for the cure of those evils which existed, and for the complete prevention of similar evils in future. Having thus reminded the House of that assurance, and having stated that which he thought would convince the House that the existence of those evils, and the necessity of legislating on the subject, were fully acknowledged by the existing Administration, he begged his hon. and learned Friend would not press the Motion, because he (the Solicitor General) was sure the House would agree in the opinion that further inquiry was not necessary. Inquiries they had had in abundance; but remedies they had not devised. Therefore it was that, if an effective Report were not laid before the House within a reasonable time, he should prefer much that the hon. and learned Gentleman should bring in a complete and effectual measure in the shape of a Bill. If the matter were referred to a Select Committee, the result would be no addition to the knowledge they already possessed. He (the Solicitor General) should say that his own anxiety was to see some measure brought forward which should at once provide a complete remedy for existing evils with reference to the jurisdiction of the Ecclesiastical Courts in divorces and other respects, and which should remove existing anomalies. Another reason for not pressing the Motion was, that a Committee had been appointed by the House of Lords to inquire into the Law of Divorce. The Report, with a sight of which he had been favoured, would be presented very shortly. The hon. and learned Gentleman would then have an opportunity of directing attention to the subject; and that course, it might be suggested, would be more conducive to the ends which the hon. and learned Gentleman had in view, than the appointment of a Committee of Inquiry, which would add nothing to the conviction already entertained with respect to the necessity for legislation on this most important subject.

Sir BENJAMIN HALL said, he must, in the first place, thank his hon. and learned Friend the Member for Plymouth (Mr. Collier) for having relieved him from a duty he had intended to impose on himself. As he had taken a part in the reform of ecclesiastical abuses, and especially of the Ecclesiastical Courts, it was satisfactory to him to find that the course he had taken for some years was now about to be taken by a gentleman occupying the high office of one of the law advisers of the Crown. What had fallen from the hon. and learned Solicitor General gave the House the assurance that a full and ample measure of reform would be brought forward; and he entreated the hon. and learned Member for Plymouth not to take a division, but to be content with the assurance which had been given. With respect to inquiry he agreed with his hon. and learned Friend the Solicitor General that it was quite unnecessary. There was a book full of evidence and information on the Ecclesiastical Courts. The sum and substance was contained in a few lines, which stated that the Committee, in conclusion, invited attention to the evidence taken before them, as showing that the attention of Parliament ought to be directed without delay to the necessary remedies. That Report was made in 1851. He had reason to believe that it had been under the consideration of the Government of which the noble Lord (Lord John Russell) was the head, and he knew that it was under the consideration of the present Government. He wished the House to see how the duties of Ecclesiastical Courts were performed, and he begged to call attention to a statement in the evidence, which showed that a Judge, whose name was given, had not been seen for twenty-eight years in his Court, and made his appearance in the diocese only at visitations; yet in all suits in the Court there was a heavy fee levied for the Judge, and for that fee the Judge did nothing. That was a fair sample of the Judges of Ecclesiastical Courts; and yet, because he had brought forward these abuses, he had been censured by persons holding high authority in those Courts. It was, therefore, a great satisfaction to him when a member of the bar brought this matter so clearly and concisely before the House, and when the hon. and learned Solicitor General acknowledged that those ecclesiastical tribunals were "striking and ridiculous anomalies," and thus proved that all his statements had been founded upon facts which now had become so offensive to the public that they would no longer be endured.

Mr. MAGUIRE said, he hoped the hon. and learned Member for Plymouth would not consent to withdraw his Motion unless an assurance were given that the measures of the Government would apply to the Irish as well as to the English Ecclesiastical Courts. If those Courts were odious here, they were doubly so in Ireland, where they were entirely under the control of those who differed from the great body of the people in religion. Every Catholic attorney and counsellor was excluded. Those were not mere "shadows of a former grievance," as they had been described; they were substantial and real grievances. A Bill proposed by the present Solicitor General for Ireland had been referred to a Select Committee, before which Mr. Hamilton, a member of a celebrated firm in Dublin, gave evidence far more striking in regard to the Irish Ecclesiastical Courts than that which had been cited with reference to the English. In the case of "Downes *v.* Donovan" the assets were 600*l.*, the costs exceeded that amount; and in another case while the assets were hundreds, the costs were thousands. It would appear that a proctor took three days to go from Cork to Dublin, a distance of 120 miles, though a railway existed by which the journey might have been made in a few hours; and the same time was taken to return. The proctor took care to charge four guineas a day, and was not able to travel more than forty miles a day. There were charges made for ideal briefs, for briefs that never had any existence, and the same briefs that had been used in one Court were charged again when used in a second and a third. A more perfect system of extortion and robbery did not exist. When Mr. Hamilton was examined on behalf of the proctors, he could not defend the system; he could only say that that was the custom—that he found these things existing, and he only did as other proctors did. There were many cases in which the conduct of Catholic clergymen had been before these tribunals, and it was not just that such cases should be investigated by persons all of a different persuasion. With the best intentions, they might view things through a different medium. It was not fair that there should be no Catholic Judge, or counsel, or proctor. He hoped he should learn whether it was the intention of the Government to include Ireland in their promised reform. It was wanted more there than in England.

Mr. ROBERT PHILLIMORE said, he must bespeak the indulgent attention of the House under the circumstances which compelled him to address it; he was aware he was addressing an audience with minds, to a certain extent, averted beforehand, and with whom he could have very little hope of succeeding if he offered himself as one opposed to the reform of the Ecclesiastical Courts; but he was happy to be able to state, that the charge brought by the hon. and learned Member (Mr. Collier), that the profession had sedulously resisted all attempts at reform, was entirely unfounded. He could appeal to the right hon. Gentlemen the Members for Midhurst and Morpeth (Mr. Walpole and Sir G. Grey) whether there was not laid before them a measure of reform drawn by himself and another advocate of the Ecclesiastical Court, which went, in many respects, quite as far as the reforms suggested by the hon. and learned Member (Mr. Collier)—a measure comprising the abolition of all sinecures whatsoever, the abolition of more than 300 Courts, the insuring the appointment of proper officers, duly qualified by a legal education for those that remained, the introduction of *vivâ voce* evidence, a very great alteration in the mode of conducting suits in these Courts, tending to produce that which every man must wish to see—cheap, speedy and effective justice. He owed it to himself and to the profession to which he belonged, to say that they had long desired a searching, effective, and, if you would, a sweeping reform; but they asked that both sides should be heard before the House came to a decision, and he thought they had a right to expect that the House should be quite satisfied, on impartial evidence, that the tribunals to which they transferred this jurisdiction were in all respects, especially in the very material points of expense and delay, superior to those from which they were about to take it. It was hardly necessary for the hon. and learned Member (Mr. Collier) to go back to Magna Charta and Edward III. to raise a prejudice against these ecclesiastical tribunals; they had faults enough of themselves, God knew, without going back to that date, and he was not about to defend them. He never had been an advocate for those abuses; and the only question which he had thought could be fairly submitted to the House was, whether they were satisfied that by no possible reform could any part of the present system be made efficient for the administration of justice. If they were so satisfied, he, for one, would offer no opposition to their annihilation; but, if they were not so satisfied—if they thought reforms could be introduced which would preserve what was valuable in the system, and secure this blessing of cheap and speedy justice, let the House at least consider—let it at least hear both sides, which it had not been in the habit of doing on this question, before they came to an adverse conclusion. Perhaps it was a natural bias of the hon. and learned Member (Mr. Collier), but so it was, that all his proposed reforms tended to bring business into those Courts in which he was a distinguished practitioner. He did not omit in his indiscriminate attack even the Admiralty Court, against which he was not able to bring a single allegation, and of which he (Mr. Phillimore) could prove that no Court in the

Kingdom administered justice more speedily and effectually; and when he remembered and named its existing president, formerly a distinguished Member of that House, Dr. Lushington—when he remembered other names, those, among many others, of Sir George Lee, of Dr. Lawrence the friend of Burke, and another name, which, if he did not bear it himself he might mention, once not unknown nor unhonoured in this House. Then you could not take up an American law-book without seeing Lord Stowell described as the "spotless magistrate of nations," and his decisions as giving law to both hemispheres. The mention of these names entitled him to maintain, that the study of civil and international law had produced some of the most distinguished men this country had had to boast of. These and other considerations on which at this late hour he would not dwell, warranted him in suggesting, that these tribunals, with all their defects, might have something in them which ought to be preserved. There were two tests to which all were agreed that the efficiency of justice must be put — expense and delay. He certainly had heard with some astonishment that these evils as existing in the Ecclesiastical Courts would be cured by a transference to the Courts of Common Law. A few years ago he made some research into those cases in which he could compare the delays and expenses in the two Courts; and though he should be very sorry to be supposed not to be a hearty reformer of the Ecclesiastical Courts, he would give the hon. and learned Member (Mr. Collier) this challenge — where he would produce an instance of expense and delay in the Ecclesiastical Courts, he (Mr. Phillimore) would produce a much greater in the Courts of Chancery or Common Law. He said this, not as a reason why the Ecclesiastical tribunals should not be reformed, but because, when they were attacked, their defects ought to be judged by a comparison with those of other tribunals, and there ought not to be a prejudice created against them by pointing to such cases as that of the Rev. Mr. Moore—a scandal and abuse which Parliament had never enabled the Ecclesiastical Courts, though most desirous, to purge themselves from, or by alluding to the large number of public jurisdictions called Peculiars, as if they were any necessary part of the system, or as if it were the fault of the Courts in which he practised that they had not been long ago swept away. Let the House be just: who was really to blame for the continuance of these evils? Parliament itself, and no other institution. Sir W. Scott, in 1813, passed a Bill through that House for the abolition of the Peculiars: it was rejected by the Lords. In 1836 was passed the 6 & 7 *Will.* IV., c. 77, by a clause of which Peculiars were destroyed, and one Court left for each diocese. Why had it not taken effect? Because that House in its wisdom passed an annual Act to suspend the operation of this part of the Act of William IV., by itself, therefore, breathing every year vitality into the worst part of the system complained of, and which would be otherwise extinct, and thus allowing the existence of these detestable peculiar jurisdictions so continued by the House itself to be a ground for the indiscriminate demolition of the whole system. He could assure the hon. and learned Solicitor General that in no one would he find a more active, though in many a more effective, supporter of any reforms he might bring forward respecting his profession, than in himself (Mr. Phillimore). But when he heard it said that these Courts had been condemned by every Commission that ever sat, he could not forget that there was one in 1832, signed by illustrious names—Chief Justice Tindal, Lord Tenterden, Lord Wynford — which, so far from condemning them, actually advised that the jurisdiction over real property should be tranferred from Westminster-hall to these very tribunals which were now stigmatised as sinks of iniquity; and Lord Lyndhurst in 1844 sent down to that House a Bill in which many of these reforms were adopted, but nevertheless the basis of the Ecclesiastical Courts was preserved. It was said that the expenses in those Courts were so enormous; let the House hear an instance or two. There were cases tried by common as well as ecclesiastical law, which therefore afforded a means of comparison. There was a case, unhappily notorious, the Braintree Church Rate case; the expense in the first cause was—in the Consistory Court of London, 111*l.* 14*s.*; in the Queen's Bench, on application for prohibition, 244*l.* 17*s.* 6*d.*; and in the Exchequer Chamber, 216*l.* In the second cause, the expense in the Consistory Court was 153*l.*; in the Arches (appellate) Court, 84*l.*; in the Queen's Bench, 245*l.*; and there was the Exchequer Chamber besides. Let the House consider these things before transferring the jurisdiction of the Ecclesiastical Courts to the Common Law Courts. In another case there was a very curious question of law upon the construction of the 21st of Henry VIII., c. 5, s. 3; the same point was raised in the Prerogative Court and in the Court of Exchequer; the costs in the former were 35*l.*, in the latter above 200*l.* [*Harrison* v. *Harrison, 2 Robertson's Reports*, 406; *Venables* v. *E. I. Company, Exchequer, July* 11, 1848.] A testator died in 1845 possessed of large personal property; there was a suit in the Ecclesiastical Court to ascertain the true will, spurious documents being produced; the genuine will was ascertained and pronounced for; the costs were 846*l.* The parties who had alleged the spurious documents were prosecuted for forgery; and the law costs were 1,500*l.* [*Wintle and Dowding* v. *Slack and Others.*] Again, the present Lord Chief Justice Campbell, a most distinguished Judge, did not exactly agree with the hon. and learned Member (Mr. Collier) in the great advantage of transferring causes as the hon. Member proposed; for, in 1832, Lord Campbell stated before a Committee, after referring to the number of new trials granted in the Common Law Courts, that trial by jury would be absolutely intolerable if it were not for the power of granting a new trial; for, sometimes from ignorance, and more frequently from prejudice, juries gave verdicts which were absolutely unjust. *Non meus hic sermo est.* It was the opinion of Lord Chief Justice Campbell, and he (Mr. Phillimore) doubted very much whether any great advantage would be derived, either by the suitor or by the public, by handing over these cases to be tried by a jury. With respect to other portions of the attack of the hon. and learned Member, but from an apprehension of exhausting the patience of the House at that late hour, he could show, and would be prepared to show, when the proper time came, that they were characterised by much inaccuracy and great exaggeration. He could show, for instance, that there was not wanting the unbiassed testimony of eminent solicitors like Mr. Freshfield, as to the ease and celerity with which wills were found in the Prerogative Court, and that the custody of the wills was not in the condition described by the hon. and learned Member. But for these remarks there would be another and better opportunity. He should be sorry if, in the few remarks which it would have been pusillanimous in him not to have offered to the House, he should be regarded as the advocate of what he really detested—the many and great abuses of the Ecclesiastical Courts. His had been no *oratio pro domo meâ;* but there were more difficulties in the way of providing an effectual remedy for the evils which he admitted and deplored, than many hon. Members were aware of. It was impossible for Courts which were at least coeval with, if, indeed, they were not prior to those of Westminster-hall—which had existed for 800 years—not to have their roots intertwined with many interests and considerations which did not at first sight present themselves; and it was in the process of setting these Courts free from those interests, which were in the present instance of no light or unimportant character, and of preserving the advantages of the Courts while their abuses were removed, that, as his hon. and learned Friend the Solicitor General well knew, the difficulty consisted. He had to apologise to the House for the length into which he had been unintentionally led to occupy their attention; but it had proceeded from his anxiety not to allow the opportunity to go by of saying, that he and the branch of the profession to which he belonged, would eagerly hail an effective and searching reform in the Ecclesiastical Courts.

The ATTORNEY GENERAL hoped the hon. and learned Member for Plymouth (Mr. Collier), would allow him to prefer an earnest request, that he would not press this Motion to a division. From the whole course of this discussion, he believed he might say that they were all agreed as to one thing, that the abuses of the Ecclesiastical Courts were intolerable, and could no longer be suffered to exist. The only question was as to the remedy. In such cases the great matter was to ascertain the existence of abuses, for when once these were universally admitted, the difficulty as to the application of a remedy was no longer felt. He agreed with the hon. and learned Member for Plymouth, that the knife should be applied, but they must apply it with discretion; and when it was said that they ought to transfer this jurisdiction to the Common Law Courts, he agreed with the hon. and learned Gentleman who had just spoken, that this was a measure which should not be adopted without the greatest deliberation. He was satisfied that at the present moment the machinery of the Common Law Courts, and their system of procedure, would not be adequate to supply the necessities of the cases. That their machinery might be greatly improved, and their procedure so remodelled as to include matters which now properly belonged to the jurisdiction of the Court of Chancery, he entertained no doubt—indeed he hoped that before a very considerable time elapsed, they would have all the Law Courts acting according to one common procedure formed on the true principles of jurisprudence. But as matters now stood, if they transferred the ecclesiastical jurisdiction to the Court of Chancery, they would have a system not calculated to deal with questions of fact; and on the other hand, if they transferred it to the Common Law Courts, they would have a system well calculated to deal with questions of fact, but not such a procedure as was necessary in the cases that were tried in Ecclesiastical Courts. He thought that they must wait, and see how far they could improve the system and procedure of the Law Courts, and make them operate in one harmonious jurisdiction, before they decided to what quarter they would transfer the jurisdiction of the Ecclesiastical tribunals. He only asked for a short interval for consideration, and he was sure the House generally, as well as the hon. and learned Member for Plymouth, must feel that the present Government could have no object in delaying for a single hour longer than was necessary the reform of so objectionable a system. He hoped the result would be satisfactory, and he recommended the postponement of a decision until the reports of the two Commissions now engaged in examining the jurisdiction in questions of testamentary disposition and divorce were received.

Mr. J. D. FITZGERALD said, he felt bound to say that unless a measure were speedily introduced by Government for the improvement of the ecclesiastical jurisdiction in Ireland, he should think it his duty himself to introduce a Bill for that purpose. It was not merely the religious evil already alluded to of which they had to complain in Ireland, but the monstrous system of appeal which prevailed there, with all its manifold abuses. The facts of the case being all ascertained, and there being no necessity for further inquiry, he submitted that they were entitled to a statement of the intentions of Government on this head of the subject.

Viscount PALMERSTON said, he would take that opportunity of answering the appeal of the hon. and learned Gentleman. He trusted that what had been stated by the Lord Chancellor in another place, and what they had heard that evening from his hon. and learned Friends the Attorney General and Solicitor General, must satisfy both the House and the public that Her Majesty's Government were earnest in their intention to sweep away what he might call the Augean stable of the Ecclesiastical Courts. If the House placed confidence in the intentions of Her Majesty's Government to make those legal improvements which had been shadowed out, he thought they could not for one moment suppose that the Government would be prepared to reform the legal arrangements of England, and to leave the legal arrangements of Ireland unreformed and unimproved.

Mr. HADFIELD said, he wished to know whether the hon. and learned Solicitor General intended to bring in a temporary Bill, for making one probate sufficient for the whole of the United Kingdom?

The SOLICITOR GENERAL said, he could assure his hon. Friend that this branch of the subject had engaged their attention, and he was enabled to state that it was proposed to abolish the present practice of probate, and to establish in lieu of it one general system of registration.

Mr. WHITESIDE said, he hoped the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald), would not bring in any Bill on the subject of the Irish Ecclesiastical jurisdiction until the entire subject now under consideration of the House should have been fully matured by the Government. He wished the House to understand exactly the state of the case as regarded Ireland. The Committee on which the Chancellor of the Exchequer, as well as the Solicitor General for Ireland, sat, and which investigated the subject of ecclesiastical jurisdiction and its abuses in Ireland, found no such abuses existing there as those which prevailed in this country. It was true that complaints were made that the proctors and advocates were of the Protestant religion; but there was no indisposition on the part of the Primate and the other authorities in 1837 to admit Roman Catholics to practise in those Courts, and there was no reason for not doing away with the exclusively Protestant character of those Courts. Again, one of the Judges of the Irish Courts was examined before the Committee, and asked whether Attorneys in the mass should be made Proctors of the Court. He answered that he thought not, and that the limited number of Proctors effectually prevented the commission of frauds in respect to the transfer of money at the banks on administrations obtained by false documents. He admitted that the system was a monopoly which he should rejoice to see reformed; but he hoped that measures with that object would be taken with due deliberation.

Mr. BOUVERIE said, that as a Member of the Committee his general impression from the evidence was, that though the abuses in the Irish Ecclesiastical Courts were not of the same specific character as those which existed in this country, yet there were great abuses as to costs and expenses which called loudly for a remedy. The hon. and learned Member for Tavistock (Mr. R. Phillimore) came, he believed, from Doctors' Commons, and it was well that they should have Gentlemen from that place, who professed a desire to reform the Ecclesiastical Courts, in the House of Commons. He (Mr. Bouverie) must say, however, that he somewhat mistrusted the warm professions made by that hon. and learned Gentleman of the earnest desire for reform which existed among the advocates in Doctors' Commons. There was one reform of the Ecclesiastical Courts which would no doubt be extremely palatable to the hon. and learned Member for Tavistock—the abolition of 340 Courts, which had before been attempted in Parliament. Some eight years ago the right hon. Member for Carlisle (Sir J. Graham) was seduced into making that proposal in Parliament, in order that Doctors' Commons might have the whole Ecclesiastical business of the country. The right hon. Gentleman found, however, that he could not carry his proposal through the House. The hon. and learned Member for Tavistock might be assured, if there was such a feeling then, that that feeling was ten times stronger now. Such a reform as the advocates of Doctors' Commons were anxious to accept, would not go down in that House or in the country. He hoped the hon. and learned Member for Plymouth (Mr. Collins) would not press for the Committee.

Mr. R. PHILLIMORE said, that the hon. Member for Kilmarnock was mistaken in supposing that the object of the proposal to which he had referred was to abolish certain Courts in order to transfer the business to Doctors' Commons. On the contrary, the measure went upon the principle of preserving all the Diocesan Courts.

Mr. COLLIER begged to express his thanks to the law officers of the Crown for the very explicit statements they had made on the subject. If such statements had been made before, he would not hav thought it necessary to bring the matter before the House. He might, perhaps, be allowed to suggest that it was desirable the Commission now inquiring into the testamentary jurisdiction of the Ecclesiastical Courts should have power to inquire into the whole of their jurisdiction. With the permission of the House he would withdraw his Motion, and leave the question in the hands of the Government, on the understanding that if it was not dealt with as he had every reason to hope and believe it would be, he should think it his duty to take up the subject again. It was impossible now to contend that the Ecclesiastical Courts ought not to be reformed, for the only possible way of maintaining them was by reforming them; but he did not desire to reform them, because he believed a reform of those Courts would be one of the greatest evils that could happen, as it would continue them for twenty years longer. These Courts had been tried; they had been found wanting; sentence had been passed upon them, and they ought to be executed. It had been said that some of the advocates of Doctors' Commons were exceedingly anxious for reform. If that were the case, they had been grievously disappointed, and he sympathised with them, for, somehow or other, no reform had taken place. It was said that the abolition of 340 Ecclesiastical Courts out of 372 had been proposed. That arrangement would have left 32 Courts remaining, which he considered would be 32 too many. He thought these Courts should be altogether abolished, and that some new and simple Courts should be established, under Judges appointed by the Crown, for the purpose of dealing merely with questions of Church discipline. The hon. and learned Member for Tavistock (Mr. R. Phillimore) had intimated that, as he (Mr. Collier) belonged to the Common Law Bar, he desired to transfer the jurisdiction from the Ecclesiastical Courts to the Courts of Common Law. Now, he (Mr. Collier) proposed transferring by far the greater portion of the jurisdiction to the County Courts, in which he did not practise; and, with regard to the jurisdiction in cases of divorce and other matters, he thought it would be far better to give it to the Courts of Chancery, instead of to the Courts of Common Law. It had been said in the course of the debate, that it was not desirable to try such questions as the sanity of a testator by a jury, but that it was better to leave such matters to the decision of an Ecclesiastical Judge. He (Mr. Collier) thought, however, that it would be found very difficult to convince the country that their rights were safer in the hands of an Ecclesiastical Judge than in those of a jury. In his opinion the power of trial by jury ought to be optional; but he would never consent to any one being deprived of what he regarded as one of our most valuable rights—that of trial by jury.

Motion, by leave, *withdrawn.*

BRIDGENORTH AND BLACKBURN ELECTIONS.

SIR JOHN SHELLEY said, he rose to m ve that the evidence taken before the Election Committees for Bridgenorth and Blackburn be laid on the table; and that the writs for the said boroughs be suspended until Monday, the 4th day of April. The House was aware that the Committee which had sat to investigate the Bridgenorth Election Petition had reported that Sir Robert Pigot was, by his agents, guilty of bribery at the last election; and that the Blackburn Committee had also reported that Mr. Eccles was, by his agents, guilty of bribery; and that they further found that treating to some extent had been practised at the election by the agents and friends of Mr. Eccles. He (Sir J. Shelley) did not know whether his Motion was to be opposed; but it certainly appeared to him, particularly at the present time, when there were so many Election Petitions before the House, that they should show the country they were determined to sift these matters to the bottom, and that in every case where an Election Committee decided that a sitting Member had been guilty of bribery, by his agents or otherwise, the evidence should be placed in the hands of Members of the House before writs were issued for the boroughs. It had always struck him that the Committees of that House were placed in an awkward position with regard to these questions. It was clear that the petitioners in such cases would go no further than suited their purpose, which was to prove sufficient to unseat the sitting Member. It was not to be expected that, for the sake of the general purity of elections, the petitioners would go one inch further than was necessary to prove their case. It therefore seemed to him that the House should take care to show the country that they were determined thoroughly to sift every case where it was proved by the decision of a Committee that bribery had taken place. He thought it was more especially the duty of the House to look carefully into these cases at this time, as the Government had given notice of their intention to propose next year what he hoped would turn out to be a thorough Parliamentary reform; and, as a sincere advocate of purity of election, he was extremely anxious that all these cases should be brought before the House and the country, in order that there might be no excuse for not making that measure of reform searching and effective. He did not think the delay of the writs for the time he proposed could be any great detriment to these boroughs; and, if it should appear from the evidence that no organised system of bribery had existed, it would be competent to the House at once to direct that the writs should issue. He hoped, however, that in every case where a system of organised bribery and corruption was proved to have prevailed, the House would issue a Commission in order thoroughly to sift the matter.

Motion made, and Question proposed—

> "That the Evidence taken before the Election Committee for Bridgenorth be laid on the Table; and that the Writ for the said Borough be suspended until Monday the 4th day of April next."

VISCOUNT PALMERSTON said, that, as a general rule, he thought the House was very shy of suspending the issue of writs, but that rule ought certainly to be liable to exceptions. Generally speaking, he believed, when an Election Committee found that evidence was adduced before them, showing that an organised and extensive system of bribery had prevailed in any borough, they reported the circumstances to the House. He did not know whether any such Report had been made in these cases, but he believed not. It was, however, perfectly true, as the hon. Baronet stated, that though the Committee might not have made such a Report, there might be in the evidence given before the Committee grounds which might lead the House to come to the conclusion that a system of bribery had existed. Therefore, and especially considering the impression which existed that bribery had prevailed to a great extent at the late elections—whether well or ill-founded—he would offer no opposition to the Motion of his hon. Friend, and would be willing not only that the evidence be laid before the House, but that they should suspend for a short period the issuing of the writs, so as to enable the House to consider whether or not further proceedings should be taken.

MR. BOUVERIE said, as Chairman of the Bridgenorth Election Committee, he thought it right to state that there was no evidence of such an extensive system of corruption in that borough as would justify the House in taking ulterior measures. If, however, the House thought it right to take the step now proposed, they would, in his opinion, be called on to adopt it as a general rule, and he would suggest, whether this might not lead to inconvenience. There could be no objection to the House seeing the evidence, but he did not see why five weeks should be asked for that purpose.

MR. WILSON PATTEN said, he would not offer any opposition to the Motion, but he called the attention of the House to the nature of the proceeding now proposed. They had devolved upon a Committee an inquiry into what had taken place at a particular election, and that Committee, having considered all that had taken place, had resolved that they were not called on to report any special circumstances requiring the consideration of the House. This was the case both with the Bridgenorth and Blackburn Election Committees; and he put it to the House, whether they should not be very cautious as to the precedent which they were now going to establish. Was it intended that the evidence should be printed in every case?

MR. DEEDES said, as Chairman of the Blackburn Election Committee, he had taken the opinion of that Committee as to the propriety of ulterior measures being taken, and they unanimously concurred in thinking that nothing had come before them to make any special Report necessary beyond the Resolution which he had read to the House—that there were no peculiarities in the case to warrant them to ask for ulterior proceedings. It was also the determination of the Committee that it would not be desirable to print the evidence. He thought the caution thrown out by the two Gentlemen who had last spoken was one well deserving the attention of the House.

SIR JAMES GRAHAM thought nothing could be more unfortunate than to suppose that the House was disposed to reverse the decision of any Election Committee with respect to seats in that House. A decision on that point by a Committee was final, and not to be reversed. Nor with respect to the mode in which they discharged their duty in Committee was any question raised. But it did become that House to have regard to the circumstances of the last general election. Not fewer than 109 petitions had been presented with regard to elections, and nearly all these petitions alleged the existence of bribery. He was not prepared to say that it would be expedient in all such cases to suspend the issue of a writ; but, on the whole, he did think that where Election Committees reported that bribery had been committed, the time had arrived when it was desirable, not with a view to consider the question of the decision of the Committees, but with reference to the conduct of the constituent body, that the evidence should in all such cases be printed. This he considered expedient, in order that the Members of the House might read the evidence, and see whether any ulterior steps ought to be taken, and whether it was not the duty of the House to inquire into the conduct of the constituent body. He would suggest to the hon. Member for Westminster (Sir J. Shelley), that the time during which he proposed to suspend the writ was too long. He was in favour of printing the evidence, and of suspending the issue of the writs for a moderate period, until the House had time to examine the evidence; but he thought that a fortnight would be sufficient for that purpose.

SIR JOHN TROLLOPE, as Chairman of the General Committee on Elections, wished to state, before the House came to a decision, that there were above one hundred election petitions, seventy-nine of which involved separate cases—and of those seventy-nine only fourteen had been withdrawn, so that the House would be required to provide no less than sixty-five Committees for election purposes. About thirteen or fourteen Committees had been already formed, and in all of those which had presented their Reports, excepting one case, either one or both of the Members had been unseated. He would therefore leave the House to form an opinion how its general business was to be carried on if a much larger number of Members were declared to be unseated, and their seats not to be filled up for some five or six weeks, when there would be an immense pressure of business upon the House. Why, it was only a day or two ago that a Committee of thirty Members was appointed; and as Election Committees had a compulsory power over their members, the effect must be the withdrawal of some of the most practical and useful Members from attendance upon Select Committees.

Sir BENJAMIN HALL said, he felt bound to say that he was somewhat surprised that the Blackburn Committee had not recommended ulterior measures when he heard their Report read at the bar. They reported—

> "That the last election, so far as William Eccles, Esq., was concerned, was a void election; that it was proved that George Clarke was bribed by an outlay of 5*l.* for the benefit of his son, John Clarke, the keeper of the Bird-in-Hand beer shop; that George Gorton was bribed by a promise of 5*l.* for the use of a room as a committee room; that Thomas Morris was bribed by an order for beer to the amount of 4*l.*, and two tickets for more beer; that Thomas Bond was bribed by the consumption of meat and drink on the polling day to the amount of 37*l.*; that James Hurdle was bribed in a similar manner by an outlay of 47*l.*"

Now, he (Sir B. Hall) remembered the time when such a statement would have instantly been followed by a Motion for further inquiry; and in these times of purity of election he thought they ought to have an inquiry whether even so large a borough as Blackburn ought not to be disfranchised. He hoped that the hon. Baronet (Sir J. Shelley) would accept the proposal of the right hon. Member for Carlisle (Sir J. Graham).

Mr. FITZSTEPHEN FRENCH said, he thought no case had been made out for departing from the ordinary practice of the House, and establishing what might be a dangerous precedent. The fate of a Ministry had been known to be dependent on one vote, and while these writs were suspended a vote might be come to by the House deciding who should be the Ministers.

Mr. COBDEN said, the speech of the right hon. Baronet (Sir J. Trollope) revealed a most dismal state of things, and was calculated to produce considerable effect, not only in the House, but in the country. The right hon. Baronet had informed the House that fourteen Committees had been appointed to try boroughs for corrupt practices, and that about fifty more remained to be appointed, and he spoke of the difficulty there might be in finding Members enough in the House to constitute tribunals to judge the disputed elections, and at the same time to form Committees for the ordinary business of the House. This looked as if the Parliamentary machine were coming to a dead lock; but it appeared to him (Mr. Cobden) that their primary and almost only business ought to be to show to the country that they were prepared to deal firmly and vigorously with the state of things which had brought the House to such an extraordinary position. He could not conceive any business—not even the Committee on Indian Affairs—that was of so much importance to the cause of constitutional government in this country, as that the House should show itself ready to deal with the frightful amount of corruption which seemed to have taken hold of the great bulk of our constituencies. The Reports of the Committees which had come to a decision upon the respective cases committed to them, showed that there had been attempts on the part of those who had conducted those petitions, to keep back as much as possible information as to the state of the different boroughs. If this state of things went on, petitioners would be content to prove only one case of bribery, because it would be highly inconvenient to parties who profited by this corruption to have their boroughs disfranchised. That would be as unwise as to cut up the goose that laid the golden eggs. With respect to the case at Bridgenorth he had received a letter from a constituent, who was also a voter for the West Riding, stating that an inquiry ought to be strongly pressed for; and affirming that it was exceedingly difficult to procure information as to the real state of the town, because it was a pocket borough; but that if the inquiry should be fairly conducted, it would reveal an amount of corruption that would cast even Sudbury and St. Albans into the shade. This statement ought to encourage them to persevere into a sifting inquiry into Bridgenorth. Did anybody deny that Bridgenorth was the place described there; or that Cambridge was one of the most notoriously corrupt places in the Kingdom? Did not everybody know the character of Canterbury? He might run through scores of small boroughs in the south of England equally corrupt. The public would expect that the first and almost only business which the House had to do was to show themselves honest in dealing with the question of corruption in the Parliamentary boroughs. Therefore, he hoped the hon. Gentleman would persevere in the Motion he had made. He did not think a month too long to give to these abominably corrupt places to purify themselves, and to bring their minds to a proper sense of their debasement.

Mr. HEYWOOD said, he preferred suspending the writ for a fortnight to the original proposition to suspend it for a month.

Lord ADOLPHUS VANE said, he concurred in the proposition to suspend the writs; but if an investigation were to take place, it must be general, and not one-sided. He thought that when proof was shown that bribery existed in a borough, time should be allowed for the inhabitants to consult together, in order that they might petition before the issue of the writ, if they were so minded, for a Commission of Inquiry. He should be happy to support the hon. Baronet if he would move that a fortnight should elapse between the printing of the evidence and the Motion for the writ.

Sir JOHN SHELLEY said, he would adopt the suggestion for the postponement of these writs. He thought that, where bribery was proved, full opportunity should be given to consider the evidence, so that the House might judge for itself before the writ was moved.

Motion, by leave, *withdrawn.*

Minutes of Evidence taken before the Committee on the Bridgenorth Election Petition to be laid before the House.

Motion made, and Question proposed—

> "That the Writ for the Borough of Bridgenorth be suspended till Tuesday the 15th day of this instant March."

Mr. BOUVERIE said, he apprehended there was no Member of the House who would not say the evidence upon which they were to decide as to any further inquiry into a particular borough, must be the printed evidence before the Committee, and not vague and general statements made in that House as to there being gross corruption; but if they were to decide upon such printed evidence, who were the best judges of it—the Committee who had heard it, who had seen the witnesses and observed their demeanour, or the House who had not had that advantage? Were they prepared to reintroduce into the House, upon the case of every borough, the question whether the writ should should go or not?—a question to be decided by a party vote, the majority of votes being given by Gentlemen who had not read the evidence. If they adopted such a course they would soon get back into the state the House was in before Mr. Grenville's Act was passed.

Mr. BRIGHT said, it was competent for the House, on reading the evidence, to come to the conclusion that there were indications of bribery existing in these boroughs; but he was happy to believe that in every corrupt borough in this country a part of the constituency was hostile to such practices, and anxious for a remedy. He would assume there were such persons at Bridgenorth—he was sure there were at Blackburn—and if those persons should think a thorough inquiry was necessary, they might petition the House for such inquiry, and the House might appoint a Special Committee for the purpose. But if there were no such petition, and the writ were suspended for a fortnight, the time would be well spent in the borough, for it would be held up to public observation and obloquy on that account; but if they issued the writ at once, another Member might probably be returned by the same means, and the country would have ground for believing that their zeal for election purity was a sham, and that they did not care about the matter. He was astonished that any person should hesitate to adopt any measure that would put an end to such a state of things. Many men who were innocent were brought under temporary disgrace, and there were many sitting in the House at that moment, who, having seen what took place before these Committees, were in a most uncomfortable position, not only, and probably not chiefly, because they were in danger of losing their seats—for to an honourable man that was a small thing, as he had an opportunity of redeeming it—but because he felt liable through the corruption of our representative system of having his name recorded in a blue book connected with dirty and corrupt practices.

Mr. SOTHERON said, the House must either be content with the decision of the Committee, or begin *de novo.* In the case of every borough where bribery had been proved, he wished the House to express its disapprobation; but he thought it better to adhere to the course that had hitherto been followed. He considered it desirable in the present instance to settle beforehand the mode of proceeding; and he would suggest that the form of the Motion should be, that Mr. Speaker should not issue the writ until six days, five days, or three days after the day on which the evidence ordered to be printed should be in the hands of Members.

MR. PEACOCKE thought that an inquiry should be instituted, not only into cases where the petition had been compromised, but also into cases where the petitions had been defeated on mere points of form. As he considered that he was one of those against whom allegations had been made by the hon. Member for Manchester, he challenged investigation, and therefore moved an adjournment, in order that there should be time for a full inquiry.

MR. DEEDES said, he would point out that one effect of the course now proposed to the House would be, that, in future, Election Committees having once got evidence enough on which to unseat a Member, would, so to speak, shut up shop, and whatever the further evidence within their attainment, give themselves no trouble about it, but leave the inquiry to be pursued by the House, if the House so pleased.

SIR JAMES GRAHAM said, he certainly considered that where a Committee had received evidence of bribery, by a Member or his agent, justifying them in unseating that Member, it was expedient that the evidence of such bribery should be printed, so that the constituency involved might be made acquainted with the facts elicited; and, if they thought fit, petition the House that further inquiry might be made into the conduct of the constituency. The House might then have a further inquiry specially into the conduct of that constituency, under the Act already on the table; or, if these cases should multiply, when the House came to consider all the cases in which inquiry was pending —seventy in number, he believed—then it would be a question, with a view to future legislation, of suspending the writs, and of instituting an inquiry into the conduct of all the constituent bodies in which such bribery had been proved to exist.

LORD NAAS said, he felt that this subject was one of too much importance to be decided at that late hour of the night. The House must not be driven to a hasty conclusion upon so large a proposition as that which had developed itself, on a Motion which, as proposed, had only reference to two special cases. He should, therefore, support the Motion for adjournment, not with any view to oppose the proposition of the hon. Member for Westminster, but to give the House a full opportunity of deciding fairly and properly on this important question.

SIR JOHN SHELLEY said, he was quite willing to assent to an adjournment of the debate.

Debate *adjourned* till *Thursday.*

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, March 2, 1853.

MINUTES.] NEW MEMBER SWORN.—For Forfar, The Hon. Lauderdale Maule.
PUBLIC BILLS.—2° Mutiny; Marine Mutiny.

UNION OF BENEFICES BILL.

Order for Second Reading read.

MR. FREWEN, in moving the Second Reading of this Bill, said, that it was his most anxious wish, in bringing forward this measure, to promote moderate Church reform, and wherever abuses had been proved to exist, he considered that it was the duty of Parliament to remedy them. Having been the originator of an Act which was passed three years ago, to put an end to pluralities, he was resolved to pursue the same course of endeavouring to correct those abuses in the Church which must be obvious to every one, and that no opposition which he might receive should deter him from continuing his exertions in the cause. The first part of the Bill for which he now asked the House to consent to the second reading, was to remove an evil which had only existed for the last two or three years. A clause had been inserted in an Act, 13 & 14 *Vict.* c. 98, in the other House of Parliament, in the month of August, only five days before Parliament was prorogued, which gave a power of uniting any number of livings without any reference whatever to their value—the only limit to it was that the aggregate population should not exceed 1,500 people—so that under this section of the Act, five livings, each worth 500*l.* or 600*l.* a year, with an average population of 300 persons in each parish, might be consolidated into one benefice, or two contiguous benefices, each worth 1,000*l.* or 1,200 a year, with a population of 700 persons in each, might be joined and united into one. He contended that such a power was never heard of before this clause was slipped into this Act in the other House; and a return which they had on the table of the House showed to them, that within a very few months after this Act passed, livings had been most improperly united, for the purpose of making up a good income, either for the present or some future incumbent. Was this, he asked, appropriating the revenues of the Church in a proper and legitimate manner, or in a way calculated to promote the spiritual welfare of the people? He knew that the late Bishop of Lincoln said, on one occasion, that it was forming pluralities of the worst description, because they were permanent. The main object of the present Bill was, that this power of uniting benefices should only exist within reasonable bounds. His wish was to restore nearly the former laws as to the restrictions with regard to the value of the livings; and what he proposed was to enact that the provision of the Act of 1 & 2 *Vict.* c. 106, should only extend and be applicable to the union of two benefices, the aggregate yearly value of which did not exceed 600*l.*, and the annual value of one of the said benefices should not exceed 200*l.*, or the population of one of them should not exceed 100 persons. By the 37th Section of the above named Act, the heads of colleges and masters of endowed public schools holding a benefice with cure of souls were exempted from residing on their livings, and no bishop had the power to force them to go to their parish even for one Sunday in the year. Now, he proposed to alter the law in this respect, and to enact that no spiritual person who should be hereafter appointed head of any college or hall within either of the Universities of Oxford or Cambridge, or Provost of Eton College, or Warder of Winchester College, or head master, or under master of any public school with an endowment, should be exempted from any of the penalties on account of non-residence on any benefices to which he had been admitted. The third section related to a matter, the principle of which had been adopted by the House of Commons two years ago, in opposition to the then Government. There were, he regretted to say, a great number of parishes, he believed nearly a hundred, where there was an ample endowment for a clergyman; but the church had, at some time or other, been allowed to tumble down, and in nearly all these cases there was an incumbent receiving an income, but doing no duty, and never going near his parish. He knew one of these cases, where they were paying a clergyman 150*l.* a year, but they never saw one from year's end to year's end. There were one or two cases where there was a population of from 1,000 to 2,000 people, but they had no church, and no service was performed in those parishes on Sundays, or at any other time, although the incumbent was receiving not by any means a bad income from the living. Now, he did not propose to make any alteration in the present incumbent's lifetime, but that in future no incumbency should be filled up till a church was built in the parish, and then a new clergyman should be appointed; and he also proposed that the income of these livings, whilst they were void, should, under the direction of the bishop of the diocese, be appropriated towards building a church for the parish. The next clause was not one that he was very anxious about; but he contended that it was of that nature which he did not think the House would refuse to grant. The law relating to private chapels was this: any person might have a private chapel to his house, provided there were not more than twenty persons present over and above the household. He proposed to extend this privilege, so as to make it include all the out-of-door servants of the owner of the house and their families; and he contended that this was but a very slight alteration of the present law. There were some cases where gentlemen resided at a considerable distance from a church, and would only be too glad to be allowed to pay a clergyman to come and perform the service in a private chapel on the Sunday, as the greater part of their household were unable to attend church on account of the distance. An hon. Friend of his, a Member of this House, had lately spent a very large sum of money in building a castle, and he had a private chapel in it. Now, he (Mr. Frewen) asked, ought it to be left in the power of the bishop of the diocese, or the incumbent of the parish, who might be at some little distance, to say that there should or should not be service in this chapel, and that the persons who were supported by his hon. Friend should be refused permission to attend it? He did not think that this House would refuse such a reasonable alteration of the law as this clause suggested.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. SIDNEY HERBERT said, that he had read the Bill of the hon. Member with some care, and it appeared to him that the first enacting clause was in direct contradiction to a Bill which the hon. Member himself had brought in, and which was passed in 1850. Now, he (Mr. S. Herbert) must say that this kind of legislation on very important questions, that, namely, of picking up and dealing with small portions without reference to the general subject, was injurious in its effects; and he must confess that he himself by taking part in a previous Bill on the subject of pluralities, had been guilty of introducing some confusion into the law upon that subject. But, in this particular case, he thought that the proposal of the hon. Member would militate against a project which was at present in contemplation on the part of the Commission which had been appointed on the Motion of the Earl of Shaftesbury, for the purpose of effecting the subdivision of parishes, by preventing the possibility of uniting any benefices where the double value of the benefices exceeded 500*l.* As the law stood previous to 1850, that restriction had existed, but the hon. Member had at that time set himself to alter that which he now sought to renew. [Mr. FREWEN: No, no!] Well, at all events, a clause doing away with the restriction had been introduced into the hon. Member's Bill. The proposal of the Commission to which he (Mr. S. Herbert) had referred was this: perhaps the House was not aware that in the City of London there existed a vast number of parishes from which the population had migrated, and the precincts of which on Sundays were nearly deserted. When the late census was taken, it was found the population of the City had diminished to 40,000, and if it had been taken on a Sunday, it is stated there would scarcely have been any one at all there. It had been proposed—and the Bishop of London was very anxious that the proposal should be carried out—to give to the diocesan powers to unite some of those parishes, and not to confer upon the incumbent the whole of the proceeds of the united benefices, but that when two or three parishes should be united, having a population of 1,000 or 2,000 souls or more, a sufficient salary should be provided for the incumbent of the united benefices, and that the surplus should be devoted to the creation of cures in the populous suburbs to which the population had migrated, which were now extremely ill provided, This object would be defeated by the hon. Member's Bill in all cases where the income of the united parishes exceeded 500*l.* But the hon. Gentleman had made out no case for his Bill. The fact was, that not only the patrons, but the bishops, had a great and direct interest in preventing the evils of which the hon. Member complained. He thought, moreover, that it would be rather an inconsiderate proceeding to retrace their steps after an experience of only three years, unless some very bad results could be shown to have arisen from the clause in the Act of 1850, which the hon. Member had certainly not proved. With respect to the clause in this Bill, providing for the future residence of heads of colleges and schools, he quite agreed in the principle of the hon. Member. But it was clear, looking to the exceptions detailed in 1 & 2 *Vict.*, we should give due notice of any change to all public bodies which might be affected by it. One part of the proposed Bill would actually keep a parish in a state of heathenism, and prevent a clergyman being appointed till money enough could be collected to build a church; against that he must enter his protest. As to the last clause of the Bill, if they gave the power of building private chapels to any one who pleased, which should not be under the jurisdiction of the bishop, it would amount to this, that if the clergyman were of the Church of England he would be exempt from the control of the head of the diocese; if he was not of the Church of England he would not come under the operation of the statute regulating places of worship. For these reasons, he must say he hoped the hon. Gentleman would not press his Bill further; but if he insisted on doing so, he (Mr. S. Herbert) hoped the House would feel, with him, that these small measures of legislation on great subjects were in themselves injurious, likely to lead to much confusion, from their not taking a view of the whole, and dealing with each part in reference to the whole state of our legislation. Under these circumstances, he felt it his duty to move, as an Amendment, that the Bill be read a second time that day six months.

SIR ROBERT H. INGLIS seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. FREWEN said, he must complain that the right hon. Gentleman had misrepresented many of the points of his measure. If it were defective, its provisions could be amended in Committee.

MR. SPOONER said, he really hoped

his hon. Friend would not press this Bill. There were, doubtless, many evils existing which demanded a remedy; but he did not think that this measure would advance the redress of those evils. After what had fallen from the right hon. Gentleman (Mr. S. Herbert), to the effect that the Government were considering the subject, and preparing a measure upon it, the best thing his hon. Friend could do was to withdraw the Bill.

MR. FREWEN said, he should take his hon. Friend's advice.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

MAYNOOTH COLLEGE—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Main Question as amended, [24th February] "That this House do resolve itself into a Committee, to consider all Enactments now in force, whereby the Revenue of the State is charged in aid of any ecclesiastical or religious purposes whatsoever, with a view to the repeal of such Enactments."

Question again proposed.

Debate *resumed.*

MR. HADFIELD said, he entirely approved of the Amendment, with the understanding that at the proper time the whole principle of religious endowments should be considered, including the *Regium Donum*, Ministers' Money, and all other grants of the same nature. The *Regium Donum* he always looked upon as a premium for inefficiency; and the State support of the Irish Church was unjust and indefensible. The principle of State endowments generally was most unjust to the majority of the community. He stood there with no small pride, representing, as he did, the Nonconformists of England and Wales, numbering, as they did, 20,000 congregations, and who did not receive one farthing of the State money in any form whatever; and they felt it a great injustice that they were taxed for the support of any denomination. With regard to the Roman Catholics (and it was not because the Maynooth grant was for their benefit, that he objected to it), he thought the hon. Member for North Warwickshire (Mr. Spooner), when he claimed 6,000,000*l.* or 8,000,000*l.* for his own denomination of religionists, should have remembered that they were the Church of the minority, and remembering the enormous amount of property which the Church established by law possessed, might very well have accorded some concession to the Roman Catholics. From whom did the Church acquire its property —if not from the State? Necessarily, if it did not come from the State, as the hon. Member said, it must have come from the Roman Catholics; and the total number of churches belonging to the Establishment, as stated by Mr. Horsman six years ago, was in England, Wales, Scotland, and Ireland, 14,500; while the number of Nonconformist congregations was in England and Wales 21,812, and in Scotland 2,543; while in Ireland the population was, as regarded the Established Church, either as Roman Catholic or Dissenting Nonconformists, in the proportion of nine or ten to one. The proportion which the members of that Church bore, therefore, to the entire community in the three kingdoms, was not more than one-third. The question before the House was not one of religious truth or error, but whether or not the State should give money endowments for religious purposes to any denomination. Regarding this Motion as a vote against all endowments whatever, and as a protest against the injustice and heart-sore of taxing and rating people for the maintenance of principles they believed to be erroneous, and not founded on the word of God, he gave it his warm support.

MR. SCHOLEFIELD was anxious to say a few words in explanation of the reasons why he had brought forward his Amendment, in order that his views might not be misrepresented. The hon. Member for North Warwickshire (Mr. Spooner) having brought forward a Resolution for the repeal of the Act endowing Maynooth, he felt it his duty to move an Amendment embracing all endowments of a similar character, no matter for what religious sect established, charged on the revenue of the State. If hon. Gentlemen desired to know what endowments were included in his Amendment, he begged to refer them to a return produced on the order of the House, which comprised a description of them at length. He had been asked why he had not included in this Amendment Ministers' Money, *Regium Donum*, and the Irish Church? He had not included Ministers' Money in Ireland, because it did not enter into the endowments provided by the State, and rested on very different grounds. It had already been repeatedly brought under the notice of the House, and would probably be fully dealt with. With respect to the *Regium Donum*, he had already explained that it was not competent for him to deal with it under present circumstances. It existed only in the Estimates, and might be rejected by the House when it came before them—though he should be sincerely glad if the Government would withdraw the vote altogether; for himself, he had always voted against it, and was prepared to do so again. As regarded the Irish Church, whenever that question was brought before the House, he should be very likely be found to entertain views differing little from those of the hon. Member for Meath (Mr. Lucas); but, on the other hand, he could not consent to trammel a simple Motion with a question of the most complicated character, which had embarrassed some of the most eminent men in that House, and which was yet unsolved. His hon. Friend the Member for North Warwickshire had expressed a deep anxiety to get rid of the Maynooth grant, which he regarded as a national sin. Now he (Mr. Scholefield) offered his hon. Friend the means of getting rid of this grant, at the cost of a few pecuniary sacrifices of little consequence to the Established Church. If his hon. Friend and other members of the Established Church refused to come into his terms and vote for the abolition of other similar grants, they must be content to be considered by the public as persons who set a greater value upon the small subsidiary grants of money to which he alluded, than upon principles, even when the object was to get rid of a great national sin.

Colonel SIBTHORP expressed his regret that owing to indisposition he should not have been present at the division of last week. He was a firm supporter of the Established Church, and considered himself bound to forward its interests in every way. He would not subscribe to a proposition for the purpose of withdrawing all grants for religious purposes; but he must object to the continuance of the grant to Maynooth against which he had always protested.

Mr. DUNLOP said, that in the confusion of the last division he had gone into the wrong lobby, though he hoped his sentiments would not be misunderstood on that account. He should have had no difficulty in voting against the grant to Maynooth, and he should for the same reasons vote for the Amendment. He should not do so on the ground of voluntaryism, although he should perhaps come to pretty nearly the same conclusion as those who did; for he held it to be a scandal to truth that a Government should be so indifferent to error as to endow all religions alike. If he were a member of the Establishment, he should have no difficulty in sacrificing grants out of the public revenue in order to attain this great object of the Nonconformists. He appealed to all members of the Established Church in that House to avert what he believed to be a national sin and a national calamity by determining upon withdrawing all grants for religious purposes indiscriminately. He would withdraw the endowment to the Irish Church, for although it was the duty of a State to support the true religion, it was not necessary to do so by means of an Establishment. The Establishment in Ireland was an obstruction to the progress of religion, and he believed that the abolition of that Establishment would be the commencement of a better state of feeling in that country. At the time of the union with Scotland, Scotchmen were accustomed to look upon the English as enemies, as was now the case with Roman Catholics and Dissenters; but between England and Scotland, at the present moment, harmony prevailed. If justice were done to Ireland in religious and secular matters, existing animosities would soon pass away, and the two countries would be united by firmer ties than could be provided by any legislative enactments, for they would be bound together by the ties of love and devotion to the constitution.

Mr. NAPIER said, that he understood the hon. Gentleman who had just sat down to assert that the Irish Church was an obstruction in the cause of religious truth; but surely no one could assert that it had not done great service in the cause of truth. He (Mr. Napier) had a short time ago addressed a friend of his, opposed to religious endowments, and said, "Your Church has got free scope; it is not fettered with those inconveniences which you say surround the Established Church; what have you done? I am willing to test all Churches by their fruits, not by going back to former times, but taking the present period." And taken by that test, he (Mr. Napier) was prepared to affirm that the Established Church in Ireland was a great boon and blessing to the people of that country. An hon. Gentleman had stated that only one in ten of the inhabitants of Ireland belonged to the communion of the Irish Church. He was prepared to say, on the contrary, that to say there was one in every four would be nearer the truth. The late

Bishop of Meath had stated to him, on the authority of a very accurate account taken in that prelate's time, of the relative numbers of the two sects, and on the authority also of Government documents, that the proportion of Protestants to Roman Catholics was as 1 to 2½. It had been asserted that there were only 1,000 clergymen of the Established Church in Ireland; whereas there were upwards of 2,300 clergymen, all actively engaged. There were no sinecures, nor indolent men, and many were supported by voluntary collections. There was also scope and opportunity for many more in communion with that Church, as the proceedings of the Additional Curates Society would fully show. But this part of the question had no real connexion with the subject before the House; as he conceived that Church property and the Establishment were one thing, and the grant out of the Consolidated Fund for the support of different institutions another. Suppose they made the Church Establishment in England, Ireland, or Scotland, a voluntary institution, there would be no amount of property to be distributed; but in the other case the tax was taken out of the pockets of the people—a tax to which all denominations contributed. He held in his hand a return of those Churches and institutions which were contributed to out of the Consolidated Fund. As far as the Irish Church was concerned, there were some small sums coming to it, amounting perhaps to 200*l.* He found, however, that under the educational grant a sum of 13,000*l.* was granted for the Free Church of Scotland, and 10,000*l.* to the Established Church of Scotland—sums which came out of the common funds of the country. So with regard to Maynooth, the question must not be argued as a question of Church property. If taking part in a debate on the Irish Church, he should be prepared to explain why he did not think the property of that Church should be distributed or touched. In the mean time the House had to deal with the grant out of the Consolidated Fund, to which all contributed, and which it was their duty to see applied usefully and beneficially. He could not consent to sweep away those grants on the voluntary principle. Members of the Established Church said to the advocates of the voluntary principle, "We do not interfere with your voluntary principle; there is corruption enough to assail without doing that; let Dissenters and Nonconformists exert themselves. But, whereas we give you all this free scope, you wish to make your voluntary system compulsory on all." Now, he (Mr. Napier) was perfectly willing to give Nonconformists and Dissenters free scope. They contended for the voluntary principle, and he said to them, "God speed you!"—he would heartily co-operate with them in their efforts of Christian usefulness. But so long as he did not interfere with their freedom of action—so long as he did not ask them to contribute by taxation to the Church to which he belonged—he thought it both inconsistent and unjust in them to attempt, by force and compulsion, to thrust the voluntary principle upon others. He had already stated his views upon the general question of the Maynooth grant, but had thought it right to make those observations to the House upon the points to which allusion had been made in the course of this debate.

Mr. HUME differed from the hon. and learned Gentleman on one point, for he held that Church property was public property; and that the property of the Irish Church having been given by Act of Parliament for purposes of religious instruction, it was competent to Parliament to deal with it. He had great doubts whether that Establishment, which had been instituted by our forefathers to promote religion, did not run counter to that object; and those whose duty it was to uphold the Church as religious teachers and as trustees for the public, could not be said to have set a very good example in administering the patronage attached to that property. With regard to the question brought forward by the hon. Member for Birmingham, it was one of great importance—far too important to be dealt with incidentally in an Amendment to a Motion such as that of the hon. Gentleman opposite (Mr. Spooner). He had had no hesitation in voting for the continuance of the Maynooth endowment, which he regarded as an endowment for educational purposes only; and which Sir Robert Peel had established on its present footing for the purpose of promoting good feeling and allaying religious animosity in Ireland. Whether the amount paid was larger than necessary, or not, he would not now express any opinion. He would urge upon his hon. Friend not to press his Motion to a division in its present shape as an Amendment, but to bring the question forward at a subsequent period as a substantive Motion, and then to take a more enlarged view of it. His hon. Friend must include in his Motion all kinds of grants, and must be prepared to annul, for example, the grants now made towards increasing the stipends of the Ministers in Scotland. What, however, he had risen principally to say was, that the hon. and learned Gentleman opposite must not run away with the idea that he was the pursebearer of the Church property in Ireland. Church property was public property, and was in the hands of Parliament to deal with it if it thought fit. He had no hesitation in voting for the grant to Maynooth, because he considered the Irish people entitled to the grant, and he looked upon it as an Educational question, and nothing more. For his own part, he was inclined to think it might benefit religion and promote the general interest of the country, and especially contribute to the good feeling in Ireland, if all public money for religious purposes were withdrawn. At present the quarrel appeared to him to be about the spoil, and not about the subject of religion. It was well known that the revenues of the Established Church were maintained as a means of promoting the interests of particular families, and not for the advancement of religion. He should be in a position to prove this in the Committee which had been moved for by his hon. Friend the Member for Marylebone (Sir B. Hall). If there were a sincere desire on the part of the clergy to promote religion, they would be the first to reform the abuses of the Church, and to put an end to the system of pluracies and absenteeism which now disgraced it. The subject was one, however, which must be discussed generally, and in reference to the three kingdoms and the colonies. There was no ground, so far as he could see, why the civil power should interfere in favour of one creed more than another. For the present, however, he begged his hon. Friend not to press his Motion to a division, but to postpone it to a future occasion, and then to bring forward the subject on a clear and intelligible principle.

Mr. BELLEW thought he ought to express to the House that, while he approved of the principle upon which this Amendment was brought forward, he had made up his mind to vote against it; because he thought the endowments which were apportioned to Roman Catholic purposes in Ireland, bore much too prominent a part in the proposition submitted to the House, and constituted, in fact, its very vitality. Had this Amendment included not only all Parliamentary grants, but all sums voted by Parliament to religious purposes, he should have supported it; although he did not go the length to which the hon. Member for Meath (Mr. Lucas) was inclined to go, and could not support the withdrawal of all the temporalities of the Established Church. He was not an advocate of the voluntary principle, believing it to be the first duty of every State to furnish religious instruction for its people; and it was not therefore upon that ground that he opposed the Motion; but if the hon. Gentleman (Mr. Scholefield) would withdraw his Motion, as the hon. Member for Montrose had begged him to do, and brought forward a more extensive one, so as to include the *Regium Donum* and the Established Church, he would give his support to that Motion.

Mr. STAPLETON was unable to determine the principle upon which this Amendment was framed—for it certainly did not raise the question of the voluntary principle, neither did it touch the revenues of the Established Church in any part of the Empire. He had voted for the Motion of the hon. Member for North Warwickshire, though not for the reasons assigned by that hon. Gentleman, but simply for the purpose of bringing about a state of perfect religious equality in Ireland. Now, his constituents being principally Dissenters, they did not care to maintain the Establishment in that country, nor certainly were they willing to give any assistance to the Church of Rome, from whose doctrines they most conscientiously differed. He had voted for the Motion, then, really believing that if he had done otherwise he should be committing a robbery. His difficulty in dealing with the Amendment was, that it went beyond endowments given to Dissenters, and included those given to the Established Church of Scotland, and to some extent those of England and Ireland also. He objected to that Amendment, because in effect it drew distinctions between different descriptions of Ecclesiastical revenue, which he did not admit to exist. And with regard to the grant to the Church in the West Indies, which it proposed to withdraw, though he believed the right principle was to leave the colonies to the voluntary system, he could not consent to a proposal that would affect one colony and one creed only. He denied the accuracy of the view taken by the right hon. Gentleman the Member for the University of Dublin (Mr. Napier), that they were forcing the voluntary principle upon the country, for it was quite easy to escape such a conclusion by adopting the principle practised in Canada. He could not vote for the Motion of the hon. Gentleman.

MR. MAGUIRE said, that if the Amendment of the hon. Gentleman opposite (Mr. Scholefield) had been more comprehensive in its nature, it should have received his most unqualified support; as it stood, however, he would be guilty of injustice to the Roman Catholic Church in Ireland if he assented to the proposal. Perhaps it was because his temperament of mind was rather dull that he could not agree with the right hon. Gentleman the Member for the University of Dublin, that the Protestant Church of Ireland was either a great boon or a great blessing to the people of that country. He had formed a very opposite opinion; and he could not believe that it was either a boon or a blessing in Mayo, Achill, or in Dingle. He rather thought that by the mode in which the principles of the Protestant Church were propagated, the greatest misery was inflicted upon the people. And he was able to state—not upon his own authority, but on that of a gentleman in the county of Kerry—that the attempts at proselytism in Dingle and Kenmare had only had the effect of causing the people to trade upon the credulity of persons there, as they in their turn traded upon the credulity of persons in England. And he had heard, in addition, that sheep stealing had very much increased in those districts since those efforts at proselytism had commenced. But the same right hon. Gentleman had made another bold assertion—namely, that in this year of 1853 there were no sinecures in the Established Church of Ireland, Now that opinion proceeded from one of the most enlightened of the Irish Members. Now he (Mr. Maguire) knew of one parish in the diocese of Cloyne where there was only one Protestant, but the revenue of the Protestant clergyman amounted to 173*l.*; and of another where the congregation consisted of three parsons, and the collection to the munificent sum of 2½*d.* As to the statement of the hon. and learned Gentleman, that the Protestants were as one to four in Ireland, he knew that in many cases they were not one in ten, in others only one in 100, and in some they were not more than one in 200. A friend of his who had a taste for monuments went to a church in the diocese of Lismore, where, being unable to procure admission, he was told that the Roman Catholic sexton, who had the key, was attending to his religious duties. He was told also that the reason why the church was not open was that the congregation had "gone to the salt water." An Established Church in which such gross abuses occurred ought to be cut down, not 25 per cent, but 75 per cent, in order to save it from death by inanition. He thought the grant to Maynooth a fair and liberal act, but it was a mere instalment of the debt of justice due to Ireland. He was an advocate for the voluntary principle, though not for such an application of it that would rob the Catholic Church and leave the resources of the Establishment unimpaired. He had travelled through as many parts of Ireland as most hon. Members from that country, and he had seen the voluntary principle working well there; for he had seen chapels and convents raised by it in remote villages, and morality and education promoted; and therefore he would vote for it, provided the principle were to be applied universally.

MR. W. J. FOX thought that the objections of his hon. Friend the Member for Montrose must undergo a very considerable abatement if he would but advert to the fact that grants which were annually made must of themselves come under annual consideration; and that the Amendment of his hon. Friend (Mr. Scholefield) had reference solely to such grants as were made in accordance with Acts of Parliament. It did not occur to him that the Motion under discussion took cognisance either of the principle of an Established Church, or of the voluntary principle. It did not seek to establish the universal existence of an unendowed Church, neither on the other hand did it attack anything which might be called church property, and which had descended from generation to generation for the use of the ecclesiastical corporations to which it was attached. The question to which the Amendment solely related was, whether taxation drawn from persons of all religious denominations was to be applied for the benefit of particular classes, or a particular sect? And on such grounds as these he thought they had a right to the support even of the hon. Member for North Warwickshire (Mr. Spooner), for he (Mr. Fox) believed that the present Motion was quite as hostile to the Maynooth grant as was that of the hon. Gentleman; and he could assure him that had he not felt it so he should have supported his Motion on Wednesday last. He thought that the hon. Gentleman ought to adopt the Amendment decidedly and cheerfully, because it put his Motion in a better position; it gave it a dignity which it did not possess—it varied it from a particular attack upon a particular creed, and placed it upon the honourable footing of a general principle. He did not think that hon. Gentlemen ought to object to the Motion on account of its incomprehensiveness, for it only meant to include all the grants specified in the returns moved for in the late Parliament by Mr. Anstey. An hon. Member on the other side of the House had said that he objected to pay for the maintenance of the religion of other persons: in that feeling he most entirely shared. But how did that hon. Member adhere to his own principle? Did he not object to the withdrawal of the grant from Maynooth? The hon. and learned Member for the University of Dublin had pronounced a very able and eloquent panegyric upon the Irish Church. Now, it seemed to him (Mr. Fox) very extraordinary that a person holding the exalted idea of the merits of that Church which was entertained by the right hon. Gentleman, should have been willing to pay Dissenters—to arm them, in fact, against that establishment. It certainly manifested proof of his very high opinion of it to subject it to such a test. His hon. Friend (Mr. Scholefield), and those who thought with him, were the consistent opponents of the grant to Maynooth, because they were opposed as well to the *Regium Donum* as to all other grants for religious purposes. He thought the *Regium Donum* included in the Amendment; that it was not was a a drawback upon its comprehensiveness, which might easily be remedied, because the Amendment included those grants which were paid under Acts of Parliament; and the others would come yearly before the House, and might be dealt with in the miscellaneous estimates. Were he a Roman Catholic he should feel humbled by the acceptance of this grant. Did Roman Catholics take it as a compromise? He had, moreover, another objection to all such grants; and that was, that, although the Church Establishment was amply provided for, she was sure to take the lion's share of all grants of money for ecclesiastical purposes. She had not only a large revenue of her own, but was also "a snapper up of unconsidered trifles." He found, on looking through Mr. Anstey's returns, that the whole amount granted by Parliament out of the taxation of the country for ecclesiastical purposes was 160,000*l.*; and how was that divided? The Scotch Church got 22,500*l.*; the Irish Presbyterians, 47,500*l.*—and let him observe, in passing, that this Vote deserved the consideration of the House, because the effect of the mode of its distribution was to multiply congregations where members were not multiplied. The Roman Catholics received 30,500*l.*, including Maynooth, and the Protestant Dissenters, not above included, together with some nondescript religious bodies, 3,500*l.*; while the Established Church was receiving no less than 56,000*l.* out of the 160,000*l.* voted for these incidental and miscellaneous bestowments, being about one-third of the whole amount. Now, whatever might be said on behalf of an Established Church, could not apply to the payment of ministers and preachers of all denominations; because the effect was, that the people suspected that persons bearing this character were under an inducement to give their adherence to the Government of the day, however tyrannical it might be. Such assistance could not be given to enable these ministers to preach the truth, for they contradicted one another, and people would argue that it was given to promote some sinister object. He should have thought that nothing could be more objectionable to the Roman Catholics than any scheme for the payment of their clergy, by which the Roman Catholic Church should come to be regarded as a fraternal establishment by the side of the Protestant clergy. In the eyes of many the Maynooth grant was an outpost and breakwater of the Established Church of Ireland. People argued, "If you destroy Maynooth, what will become of the Established Church?" Such a result would clear the way for a consideration of the question whether such an establishment as the Church of the minority was just and expedient in such a country as Ireland. On these grounds he should give his vote for the Amendment of his hon. Friend (Mr. Scholefield).

Mr. J. BALL said, he must protest against discussing on such an Amendment as the present the ecclesiastical arrangements of Ireland, though he could not help pointing out that not one of the various parties in that House professed to be contented with those arrangements as they at present stood; for while on the one side some hon. Gentlemen objected to the endowment of Maynooth, others were dissatisfied with the maintenance of the existing Church Establishment; and others, again, were wholly opposed to the principle of religious endowments in any shape or form. It was evident that the time was not far distant when the whole of this vast question must be considered in a comprehensive spirit, on the principle of the equal right of every member of the community to choose what religious community he should support. He felt an additional objection to entering upon that question since he was told that his hands were tied by the oath which he had taken at the table of the House as a Roman Catholic Member. Although he was conscious that he and many others who were in a position similar to his own, were anxious to deal with the question of religious endowments in no narrow or sectarian spirit, but with an earnest desire to secure the welfare and tranquillity of the entire Empire by achieving the welfare and tranquillity of Ireland, he felt that he might be hampered in so doing by the oath which he had taken, though he confessed that he did not know accurately what was the extent of the obligation by which he and others were tied; he therefore thought it was incumbent on the House, at the earliest possible occasion, to consider the nature of that tie, and to determine whether it ought any longer to exist. His object in rising on this occasion was to call attention to a statement made by the hon. Member for North Warwickshire (Mr. Spooner) in the former part of the debate. That hon. Gentleman had, on that occasion, produced a number of extracts from Irish newspapers, relating to the conduct of the Roman Catholic clergy. Now he (Mr. Ball) was acquainted with some of those papers. In one of them he had been denounced each week for months past, and had been accused of every crime and atrocity; but such was the character of that paper in Ireland that he never thought it worth while to notice it, and certainly he knew enough of those publications to make him exceedingly chary of using their evidence in his character as a Member of that House. When, however, such a paper was brought forward by a Member of that House, as voucher for the authenticity of certain facts, he had thought it his duty, for the sake of a gentleman whose friendship he had long possessed, to obtain his contradiction of a statement that he had conducted himself in a manner in which he (Mr. Ball) knew he was incapable of acting. It was stated in this publication that the Rev. Mr. Maher (who had throughout a long life well fulfilled the character of a Christian pastor), had, at the election before last for that borough, told an elector who would not vote as he wished, "that he might go and be d——d." Now he was authorised by Mr. Maher to state that this story was an entire fabrication. That gentleman said in a letter which he had received from him, "I have never conceived or expressed such a wish for any of God's creatures in the whole course of my life." He must say that he thought the hon. Gentleman should have been more cautious as to the statements he brought forward with respect to the Catholic clergy, knowing, as he must do, the extent to which the combined influence of the *odium theologicum* and of political animosity would go in the fabrication of utterly unfounded statements. For his own part, he trusted that if these theological controversies were to continue (which he hoped might not be the case), they would be conducted in a spirit very different from that which had characterised the one in which they were then engaged.

Sir JOHN SHELLEY said, that on a former occasion the hon. Member for Meath (Mr. Lucas) had said that those who were prepared to support the Amendment were guilty of the greatest bigotry, in proposing to abolish not only the grant to Maynooth, but to all other religious institutions. They were of opinion, on the contrary, that they were only proclaiming the principle of even-handed justice when they said that no man ought to be called upon to contribute to the maintenance of a religion from which he dissented; and he thought it most extraordinary that those who were prepared to enunciate, with respect to all these endowments, the broad principle that no man should be called upon to contribute to a religion with which he did not concur, should be accused of bigotry. The hon. Member had also objected to this Amendment because it said nothing about the *Regium Donum.* But the *Regium Donum* did not exist now; it was only an annual grant, dependent, with other votes, upon the passing of the Miscellaneous Estimates; and he trusted that there was every probability that it would never again be brought before the House. If, however, when it was brought forward, the hon. Member would move that it should not be agreed to, he would have the cordial support of himself (Sir John Shelley) and of most of the Nonconformists, who thought it below their dignity to accept such a grant. The hon. Member for Montrose had called upon the hon. Member for Birmingham (Mr. Scholefield) to withdraw his Amendment; but he hoped the hon. Member would do no such thing, because if he did he would not be acting fairly towards those who had voted against the original Motion in the belief that they could afterwards vote for the Amendment. Had there been no such Amendment before the House, he should have voted for the original Motion; though, most certainly, not upon the grounds stated by the Mover (Mr. Spooner); for he could conceive nothing more horrible—if it were not unparliamentary to use such a word—more illiberal than much of that hon. Gentleman's speech. He never heard anything so illiberal as his attack upon the Roman Catholics and the Jesuits; and he believed that, if he had the opportunity, he would boil, flay, or roast every Roman Catholic in the country.

Mr. LUCAS was anxious to make a short explanation. No one was more unwilling than he was to deny the great claims which many hon. Gentlemen in that House had on the gratitude of the Roman Catholics, for the stand which they had made against the bigoted outcry which had been raised in this country against their religion. He must, however, say, that the observations which he had made on a previous occasion—though delivered, perhaps, in the hurry of the moment—were not altogether without some foundation. Now, since he had spoken, he had examined the division list, and what had he found? Why, there were no less than 36 Gentlemen, representing Liberal constituencies, found amongst those who voted with the hon. Member for North Warwickshire, though those very Gentlemen had before them the alternative of voting for the Motion of the hon. Member for Birmingham. Of these Gentlemen one third were pledged to support the voluntary principle, and to oppose all religious endowments; and they were, he thought, justly chargeable in choosing to vote with the religious principles of their constituents. He, therefore, was inclined to think that his censure the other evening upon those hon. Members—though he spoke under the pressure of calls for a division—was not altogether without some show of justification. He wished also to remark upon an observation which had fallen from the hon. Member for the University of Oxford (Sir R. H. Inglis)—namely, that he had in his observations adopted a very bitter tone towards the Church of England. Now he (Mr. Lucas), considering the very great kindness which he had met with from both sides of the House, should be very sorry to use any terms savouring of sectarian bitterness; but, speaking as he was upon the great grievance of the Irish Church Establishment, he felt that he had not used language at all stronger than that for which he found a precedent in the observations of many hon. Members when speaking of the Roman Catholic religion. It was stated that the priests educated in Maynooth were educated for other purposes than those deemed necessary for the priesthood; that those endowments were used for the promotion of extreme opinions held by members of the Catholic Church in other parts of the world. He believed such allegations to be utterly unfounded. There was, no doubt, a great movement from Ireland to all parts of the globe, and, of course, many Catholic priests had assisted in it; but such instances were exceptions to the general rule. He, however, asserted, that during the last ten or fifteen years the Catholics had done their utmost to support their own colleges, and to spread their foreign missions in connexion with their own colleges. An appeal had been made to him by the hon. Member for Oldham (Mr. W. J. Fox), who said that the Roman Catholics of Ireland ought to be ashamed of receiving from the Parliament of the United Kingdom so paltry a sum. He answered that appeal frankly. Let the question be put before the House in such a way as would fairly raise the question between all classes of the community, and he would say, that every support his friends could give him would be given on every occasion upon which the question would be fairly raised. His party, however, complained that the question was not fairly raised in this instance, but proposed to take away from the Roman Catholics an endowment which as it stood was of considerable advantage to them: they complained that their opponents, viewing them as beggars, were stripping them of those rags with which they were clothed, while they were leaving the well-dressed and the well-fed gentlemen in full possession of those comfortable garments of which they did not stand so much in need. His party declined to make any demand on any part of the ecclesiastical funds for their own purposes—they were simply claiming religious equality. This was beginning at the wrong end. If their religious opponents began at the proper source, his party would support them; but until they took that course they would not support them.

Mr. PHINN said, he thought that religious discussions in that House were at all times to be deprecated; and he trusted that that would be the last discussion they would have on so irritating a topic during the present Session. He wished to offer a few observations in favour of the vote he intended to give for the Amendment of the hon. Member for Birmingham, because it might be supposed to be difficult to reconcile that vote with the vote he had given against the proposition of the hon. Member for North Warwickshire. He had voted against that Motion because he thought it was conceived in a spirit of hostility and unfairness against his Roman Catholic brethren, and because he thought the reasons he had offered in support of his proposition were not sufficient to sustain it. He thought that the time had come when they ought to consider the whole of the religious institutions of Ireland, with a view to adapting them more to the religious feelings of the population and the circumstances of the country. He could not attribute any other reason for the variance which existed in the present Motion of the hon. Member for North Warwickshire and that which he made last year, except that there were some persons behind the scenes who knew that the hon. Gentleman's allegations could not be sustained. It was not because the Motion of the hon. Member for Birmingham fully answered his expectations and embodied his sentiments that he supported it; but he voted for it because he considered it to be a step in the right direction; and his difficulty in voting for it was increased by the language which had been used by the hon. Gentleman the Member for Sheffield. As far as Ireland was considered, he did not think that this matter had ever been placed on a fair footing; he felt that a thorough investigation into the whole question of the religious establishments was necessary, and that the wisdom of Parliament must ultimately be applied to the subject. It was not by coming down to Parliament and charging the Roman Catholic clergy with teaching immorality and disloyalty that the subject could be approached in a proper way; but it was by bringing forward some vast comprehensive scheme, which would not seek to cast opprobrium on one sect or the other, but which would treat the whole question as a matter of State policy, that they could, with any hope of successful result, enter into the consideration of this great subject. The hon. Member had no doubt a right to inquire whether the Roman Catholics were a moral and religious body. He had heard charges of a most serious character made against the teaching of the Roman Catholics; but he confessed that he had never heard an impeachment that rested upon solid grounds against the morality of the Catholic clergy. The hon. Member for North Warwickshire said that he would show the House their books, and from these books they would infer that the Roman Catholics were immoral. Should he not rather have said that he would show by their conduct that they were immoral, and then have traced their immorality to their books? He of course was willing to bear testimony to the character and value of the clergy of the Established Church. He did not believe that there was any class better calculated to improve and to adorn society than the clergy of that Church. But surely, if he were told that they studied the immodest odes of Horace, or the licentious comedies of Aristophanes, it would be just as good an argument to urge against their morality as against the morality of the Roman Catholic clergy from some of the books that were taught at Maynooth. And, in reference to the allegations respecting the disloyalty of the Roman Catholic clergy, and the charge that the teaching at Maynooth was inconsistent with loyalty, what did they amount to? Let them take the history of this country for the last twenty-five years. Could the riots of Bristol and other places be adduced as an argument against the morality taught at the Universities of Oxford and Cambridge? Surely upon the same principle of fair play the circumstance of the late insurrection in Ireland could not be made use of as an argument against the teaching of the Roman Catholic College of Maynooth—particularly when it was a well-assertained fact that there was not a single Roman Catholic clergyman engaged in that unfortunate affair. He would vote for the proposition of the hon. Member for Birmingham, because he thought that, if carried, it would have the effect of conferring a great boon on the Established Church in Ireland. He trusted that the present Government would now be convinced of the absolute necessity for the introduction of a comprehensive measure on this subject—a measure which would have the effect of allaying all animosities generated by these annual discussions, and which would leave a lasting legacy of peace and tranquillity to all classes of Her Majesty's subjects.

MR. WHITESIDE said, after the discussion which had taken place, he wished to make a few observations upon the real question which they had to determine. Nothing was so unfortunate, and had led to such mistaken legislation, as the assertion which was sometimes made too confidently on one side, and not sufficiently refuted on the other, that the Established Church in Ireland was on the wane. That night the hon. Member for Dungarvan (Mr. Maguire) had asserted that the Church of England, in Ireland, was dying of inanition. Such a statement was in the highest degree erroneous. On the contrary, he maintained that the Church of the Reformation in Ireland was never at any period of its history stronger, purer, or firmer in the affections of the people than it was at that moment. Never was it so strong in numbers, in the north of Ireland particularly, as it was at present. Let them look around. With the single exception of the hon. Member for Newry, on the opposite benches, all the representatives for Ulster were members of the Established Church. The same observation applied to the Members for the capital of Ireland, the county of Dublin, and the University of Dublin. The return for Cork had yet to be tried, and the representation of Limerick was divided. It was unfair to represent the Protestants of Ireland as being a small and feeble minority. Ireland had suffered a diminution of population from causes which every one must deplore, but the affliction had not fallen on the Protestant districts of the country. It had recently been his painful lot to observe the desolation which pervaded the southern and western districts of Ireland, while he saw that Ulster was never more prosperous or populous. The hon Member for Meath (Mr. Lucas) had no doubt spoken ably and temperately on the present occasion; that hon. Gentleman had, however, spoken frequently in that House, and in Ireland, in a somewhat different spirit. The hon. Member was an Englishman, who had transferred his talents to Ireland. He (Mr. Whiteside) would have been glad if the speeches and writings of the hon. Gentleman had been generally as temperate and as judicious as the speech he had favoured them with that day. If, however, he (Mr. Whiteside) recollected right, he had read that the hon. Gentleman said that he would never rest satisfied until that accursed thing called the Church of the Reformation was extirpated from Ireland. He wished to know how the Government was to be conducted in Ireland if the hon. Gentleman's opinions were taught by the Roman Catholic priesthood of Ireland, and adopted by the people? He (Mr. Whiteside) had nothing whatever to do with the fasts, ceremonies, or discipline of the Roman Catholic Church, and if a Committee were appointed to inquire into Maynooth, he would not ask a single question on those subjects; but the State had a right to know what were the exact relations subsisting between the priests of Rome and a foreign Power. He wanted to know, distinctly and emphatically, whether any of the doctrines that were taught in Maynooth, or by the Roman Catholic Church, were incompatible with civil government. That was a fair question; a question which, if they had an honest Committee, he would wish to have inquired into, and solved. Roman Catholic laymen were not so much affected by it as the priesthood: nevertheless it concerned all, and it was a grave and a serious question to be inquired into and discussed. The hon. Member for Meath had treated this question in a manner, and had propounded a doctrine in reference to it, which struck at the root of any civil government in Ireland. He published such language when writing of a law, which, if passed, must, he said, by Her Majesty's Roman Catholic subjects be disobeyed, according to the behests of a foreign Power. The hon. Member wrote in these terms:—

> "You are only at the beginning of your perplexity. The Pope will speak more loudly than ever; and, what is more, he will be listened to. He will turn over your musty Acts of Parliament with finger and thumb, scrutinising them with a most irreverent audacity, examining those which concern him; and, when he has found these, rejecting some and tolerating others with as much freedom as you use when you handle oranges in a shop, selecting the soft and sweet, contemptuously rejecting the sour and rotten. And then, O dreadful thought! he will insist upon being obeyed. The very slates at Exeter Hall must erect themselves in thought of such a thing. What! the Bill read three times in each House of Parliament; it was twice passed, engrossed on parchment, garnished with a waxen appendage by way of seal, and had over it, pronounced by Royal lips, the mysterious words and creative fiat, *La Reine le veut.* The Queen wills it—Her Lords will it—Her Commons will it. What does it want to complete the perfect fashion of a law? Nothing of solemnity, nothing of force which the Imperial sceptre of this Realm could give, is wanting to it.

> But, truly, it may want the sanction of religion. The Pope snuffs disdainfully at it. An Italian priest will have none of it; it trenches upon his rights, or, rather, upon his duties; it violates the integrity of those interests which he is set to guard; and, therefore, Commons, Lords, Queen, wax, parchment, and all, avail it but very little! You may call it law, if you please; you may note it on your roll; you may print it in the yearly volume of your statutes; but, before long, you will have to repeal or alter it, in order to procure the sanction of a foreign potentate, without which it has not the value of a tenpenny nail."

Now, they had the author of this passage here face to face. It was one thing to address the priesthood of Ireland, and to stand upon an Irish hustings to be returned by a Roman Catholic constituency, and another to stand before the British House of Commons, and to maintain arguments that strike at the root of all constitutional authority, and would, if acted on, place the Members of this free Assembly in the position of slaves to Rome. He had nothing to do with the Roman Catholics as religionists. He had a sincere regard for his Roman Catholic as well as his Protestant brethren, and he lived in peace and harmony with them in Ireland. He had domestics in his house Roman Catholics, whom he esteemed as faithful, honest servants, and he believed that they were sincerely attached to him. But the question they were now considering was one which involved a serious matter between themselves and the Papacy—between themselves and the priesthood. An hon. Member stated his belief that if such a feeling as he had described had ever existed in the breasts of the Roman Catholic priesthood of Ireland, there was every reason to suppose that it was dying away; and, under the fostering influence of a paternal Government, would soon altogether cease. He (Mr. Whiteside) was sorry to say that he entertained no such hope. He believed that it began at the Reformation, and that it would exist as long as the Papacy itself should stand. He wanted to know whether the doctrines taught at Maynooth were such as the hon. and learned Member for Cork (Mr. Serjeant Murphy), whom he saw opposite, described them to be, or were what were known by the designation of "Ultramontane." He was informed that the most extreme doctrines were promulgated under the authority of the Roman Catholic Archbishop Cullen, and that he insisted that the Pope prescribed, as it were, the circle of his jurisdiction for himself, within the limits of which it was criminal for a Roman Catholic to doubt or disobey his authority. Had they observed what had taken place in Ireland within the last few months? Was the House aware that the Vice-President of the Queen's College in Galway, who was a Roman Catholic of education and ability, and who was appointed to that important office by Her Majesty, had been compelled to resign it, in consequence of the superior authority exercised over him by the Pope? That gentleman wished to continue in the office. The Queen commanded him to discharge his duty. The Pope called upon him to resign his office. What was the result? He obeyed the Pope and threw up his office. Now he (Mr. Whiteside) wished to know whose subject was he? He wanted to know the nature of the obligation which bound him to do that act which he had done within the last few months? The Most Rev. Dr. M'Hale, a Catholic archbishop, was, he thought, a very able and learned man, and was considered a great ornament to the Church of Rome. How did he conceive himself entitled to act in reference to the College of Maynooth? He (Mr. Whiteside) was informed that no Roman Catholic student could leave the diocese of Tuam to enter Maynooth without his special authority. He also understood that within the Roman Catholic archdiocese of Dublin no man could enter into Maynooth without the written assent of Dr. Cullen. Now both of those Roman Catholic prelates were said to be the advocates of Ultramontane opinions, and would therefore take care that no one should enter the College of Maynooth who did not hold their own extreme opinions. The late Sir Robert Peel, whose name was often quoted by persons desirous of suppressing their convictions, or of not exercising their independent judgment, had been referred to as an authority in favour of the grant to Maynooth, because he had satisfied himself upon the subject by the Report of a Commission which had inquired into the whole question. Now, what was the fact? That Commission had never made any report upon the main point at issue—and for this plain reason—there was a curious question, more necessary to be inquired into, as to whether the Jesuits were not to be found in the very heart of Maynooth—whether they had not an establishment there, and were not actually the ruling body. The Members that composed that Commission were in the utmost difficulty how to report upon these facts. He understood that some of them were of opinion, that they had found a Jesuit establishment within the walls of Maynooth—others that they had not—but they had found a monastic establishment under the title of a religious society, called "The Sodality of the Sacred Heart." The fact was, that this society was nothing more nor less than an offshoot from the Jesuit establishment in Rome, and that the history of these monastic institutions showed that when the Jesuit establishment was expelled from some nations, it was set up in others, under the name of "The Sodality of the Sacred Heart." He did not know whether such a society existed there at present, but that was matter for rigid investigation. Was that the only question which required to be examined into? It had been stated by an hon. Member on a former occasion that the professors of Maynooth had conducted themselves as it was expected they would do when Parliament had doubled their pay. Now Dr. M'Hale was, some years ago, a professor of Maynooth, and was examined before the Committee before referred to. There was put into his hands a tract on a subject on which, it was said, the professors of the college were forbidden to write, namely, our Establishment. Dr. M'Hale acknowledged that such a prohibition existed; yet acknowledged that he had himself published the tract without his real signature attached to it. He (Mr. Whiteside) held in his hand a document written "by the Rev. Patrick Murray, Professor of Domestic and Moral Theology in the Royal College of Maynooth," to which was attached the name of the rev. gentleman. He was an able scholar and a clever writer; and in this publication he raised a discussion upon casuistry, in reference to the oath taken by Roman Catholics at the table of the House of Commons. The rev. gentleman says, that the meaning of the oath was to be determined by the application of casuistry, and he puts the question in a way which he (Mr. Whiteside) would read to the House. He, however, puts the question thus:—

> "The law of God binds us to keep a promissory oath. Catholic Members of Parliament swear not to use any privilege vested in them to the injury of the Protestant Church as by law established in these realms. Does this mean that a Catholic Member of Parliament shall not exercise his power of voting in favour of any measure introduced for the purpose of diminishing or abolishing the temporalities of the Irish Establishment, or of curtailing the number of bishoprics or benefices of any kind? Or does it mean that he shall not use his privileges to accomplish such objects by violent, fraudulent, or other unlawful means? In favour of this latter interpretation a great deal may be urged. If the former meaning be that intended by the legislative authority which framed and sanctioned the oath, the same end might have been attained in a manner not more offensive, infinitely less bungling and uncertain, namely, by having inserted in the Emancipation Act a clause depriving Catholic Members of the right of voting on such questions. To confer upon men the power of voting, and, at the same time, to compel them to swear that they should not vote except in one way, is a very absurd proceeding. Again, what is the meaning of the words 'by law established?' Do they signify, established by the law as it stood when the Emancipation Act passed, or as that law stands for the time being? The first cannot be said, for the Protestant Church does not now exist in that shape. If a Member of Parliament cannot vote against the Church Establishment, neither can he as a Member of Parliament speak against it; for in thus doing, he would exercise his senatorial privileges. If he enumerates the monstrous evils—if he depicts the hideous iniquity of this abomination of desolation—if he originates or openly concurs in any Motion for its quick or gradual removal, he is a perjurer. Again, the Catholic Member swears not to use his privilege to disturb or weaken the Protestant religion. So he cannot, as Member of Parliament, utter a single word, by way of argument, against any of what he, of course, believes to be the absurdities and contradictions of the Thirty-nine Articles—if an occasion should arise to render this expedient and becoming. Thus much and a great deal more might be urged in favour of what may be called the more liberal interpretation of the oath. Still there are sensible and conscientious men (along with some canting rogues) who hesitate. We do not purpose in this place to express any leaning to either side—we are merely stating difficulties. It is of considerable importance that this piece of casuistry should be settled, in one way or other. Whose interpretation is to be taken, as a safe and sure guide. That of the imponent? Who is the imponent? The Government or Legislature of 1829, or both together, or later Parliaments, or the Parliament for the time being, or the community at large? If Father Suarez lived now, his decision on this case, delivered in his own luminous and solid manner, would tend much to the quiet of some consciences, and perhaps induce Mr. Macaulay to doubt whether there were not, after all, a meaning in this casuistry he little dreamed of. . . . . We might fill many volumes, as, indeed, many volumes are filled, with descriptions of cases that occur every day in every department of life. Casuistry! Why this is, in the wider sense of the word, the great daily business of every Christian who wishes to ensure a holy life."

It was desirable to know whether the learned professor taught such doctrines as these in the college. A teacher in Maynooth might, without impropriety, lecture against the Thirty-nine Articles, but he was not justified in inculcating the doctrines which he had put his name to in that book. What was the late Mr. O'Connell's opinion of Maynooth, as an educational establishment? It was recorded in a book, entitled *The Life of O'Connell*, by his son Mr. John O'Connell. His words were these; he was speaking in reference to the appointment of a Mr. Bellew as counsel for the College of Maynooth:—

> "He tells us that he is counsel for the College of Maynooth, and in that capacity he seems to arrogate to himself much theological and legal knowledge. I concede the law, but I deny the divinity; neither can I admit the accuracy of the eulogium which he has pronounced on that institution, with its mongrel board of control, half Papist and half Protestant. I was, indeed, at a loss to account for the strange want of talent—for the silence of Irish genius—which has been remarked within the college. I now see it easily explained. The incubus of jealousy and rival intolerance sits upon its walls; and genius, and taste, and talent fly from the sad dormitory where sleeps the spirit of dulness. I have heard, indeed, of their Crawleys and their converts; but where or when will that college produce a Magee or a Sandes, a M'Donnell, or a Griffin? When will the warm heart of Irish genius exhibit in Maynooth such bright examples of worth and talent as those men disclose? It is true that the bigot may rule in Trinity College, or the highest station in it may be the reward of writing an extremely bigoted or more foolish pamphlet; but still there is no conflicting principle of hostile jealousy in its rulers, and therefore Irish genius does not slumber there, nor is it smothered as at Maynooth."

Now he (Mr. Whiteside) did not go the length of saying that there were not scholars in Maynooth. That was not his opinion. Mr. O'Connell's depreciating judgment was given in 1813; but was there any evidence that the College of Maynooth had since elicited higher genius, or produced nobler fruits? The present Chancellor of the Exchequer had also pronounced a valuable opinion on Maynooth, which was calculated to have great influence on the minds of thinking men. In his work, *The State in its Relations to the Church*, Mr. Gladstone said—

> "In principle the grant (to Maynooth) is vicious, and it will be a thorn in the side of the State as long as it continues. When foreigners express their astonishment at finding that we support, in Ireland, the Church of a small minority, we may tell them that we support it on the ground of conscientious necessity for its truth. But how should we blush at the same time to support an institution whose avowed and legitimate purpose it is constantly to denounce the truth as falsehood. It is monstrous that we should be the voluntary feeders of an establishment which exhibits at once our lax principles and our erroneous calculations."

Now he (Mr. Whiteside) was not going to say that he agreed with either the opinion of the late Mr. O'Connell or of the Chancellor of the Exchequer, because he conceived that an establishment for the education of a national clergy conducted sensibly and properly—one that was opposed altogether to Ultramontane doctrines—might probably prove a benefit to the country. But he altogether denied that Maynooth was such an institution. In reference to what had been said by the hon. Member for Oldham (Mr. W. J. Fox), who disposed so quickly of our Ecclesiastical Establishment in Ireland, he (Mr. Whiteside) could only say, that whenever parties chose to raise that question those with whom he acted would be prepared to meet them. If his Church were to exist upon the grounds that hon. Gentleman stated, he would at once vote, "Away with his Church," rather than he would vote against his conscience. He would not consent to have his Church maintained because the College of Maynooth was to be supported. He entertained no feelings of dislike against the Roman Catholics or any other body of his countrymen. On the contrary, he heartily wished them to be prosperous and happy. But when the hon. Member said that the Protestant Church of Ireland was to be kicked about from one little clique to another, and the Church disposed of according to their caprice, he (Mr. Whiteside) would tell him that his Church was consecrated by the possession of centuries, by the declarations of Mr. Pitt, the pledges of Lord Castlereagh, and that they were bound by an article of the Union to maintain it. He would tell him that it was a fundamental article of the Union, and that nothing would induce them to give up its independence. He would recommend the hon. Member, before he agitated this question, to reflect whether it was at all likely that the Protestant nation in Ireland would consent to give up all it held most dear on the demand of persons who seek to obtain their objects by striking down those sacred principles upon which the Church of the Reformation stands. He agreed in the opinion that tithes nor church-rates nor bishops constitute the Church. No, the Church consists in the pure teaching of Scriptural doctrine. If it do not inculcate the simple and sublime truths of the Reformation, then he said away with it. The Church was more powerful and pure in Ireland than it was in this country. If they in Ireland had adopted the varnish—the mere illusions, and the miserable imposture, concealedi n some of the doctrines got up by a school in this country, he should be the first to say—"Away with the Church!" He condemned as much as any one a system of proselytism carried on by unfair means. When the hon. Member for Dungannon alluded to the proselytism that was going on in certain parts of Ireland, he should recollect that the Bishop of our Church in those parts of Ireland is or was a Whig—a gentleman who would inherit the honours of Plunket, the great advocate of Roman Catholic emancipation. That bishop was there placed in opposition to Dr. M'Hale. He was the best man that could be placed in that situation, because he was the friend of the poor, and did not apply his energies and powers to the conversion of the rich and the great. The Church was not now forgetful of the poor. Let him remind the hon. Member of the recent arrivals in Ireland. Mr. Wilberforce was made secretary of the Roman Catholic Defence Association, in preference to a native clergyman, because it was stated, this great scholar and eminent apostate would do the work of Rome. None so competent or efficient to execute such duties—consequently, he was made the secretary of an institution that was to destroy the Protestant Establishment in Ireland. He did not blame the Roman Catholics for making such an appointment. They might boast of their Oxford converts; but as a set-off the Protestant Church in Ireland could count a thousand of the poor for each of the rich converts to the Roman Catholic Church. Again, he said, that if these proselytes were made by any unfair means, he agreed with the hon. Member in condemning the system; but then, if it were by means of the simple truths of the Gospel —which it undoubtedly was—he could not understand how a Protestant Parliament would look with disfavour on the Church in Ireland because it was merely performing its sacred duty and executing its divine mission.

Mr. LUCAS rose to explain: the hon. aud learned Gentleman had attributed to him words that he never uttered. The language he had attributed to him never fell from his lips, and never was in his mind. He would not be in order, perhaps, if he were now to make an explanation as to the other point, and he regretted the hon. and learned Gentleman did not make his attack upon him when he was in a position to reply to him.

Mr. Serjeant MURPHY regretted exceedingly, that after the question of Maynooth had been disposed of by the vote upon Mr. Spooner's Motion, last Wednesday, and after the conciliatory speech of the hon. Member for Bath (Mr. Phinn), the hon. and learned Gentleman opposite should have introduced into the discussion such extraneous matter, and so much matter calculated to produce religious exacerbation. The hon. and learned Gentleman had referred to a speech of his last year on the Motion of the hon. Member for North Warwickshire (Mr. Spooner), and he should now only allude to it in order to point out the course of proceeding which that hon. Member had taken. The hon. Gentleman (Mr. Spooner) had last year put upon the books, at an early period of the Session, a notice for the repeal of the Maynooth Act: afterwards he substituted, as he said, from motives of fairness and justice, a Motion for inquiry; and although he did not dare to take a division upon that Resolution, but allowed the matter to go off upon a mere question of adjournment, he now came before them, took everything for proved, and stated with the utmost complacency that an inquiry was not necessary. Such had been the extraordinary course of procedure adopted by the hon. Member for North Warwickshire. The hon. and learned Gentleman opposite (Mr. Whiteside) had taken an opportunity of introducing a parenthetic sneer at Sir Robert Peel. That sneer was easily understood, coming from Gentlemen who had hunted down that most lamented statesman for opinions which they had since adopted, and made use of in order to perform an act of the grossest political tergiversation. The hon. Member had alluded to Galway College. He granted that the Pope had prevented a Roman Catholic priest from acting in connexion with that College; and, as a strong supporter of the Queen's Colleges, he would to God that the difference between Rome and the Government on this question were adjusted in a way that would be acceptable to both parties; but "those who lived in glasshouses should not throw stones." The late Premier, when Secretary for Ireland, had established as a great national blessing a system of national education, the want of which had been severely felt; but no fewer than 1,200 clergymen of the Established Church had refused to receive that system. Now the head of the Roman Catholic Church had not gone so far as that. He had not forbidden Roman Catholic children to attend; but he had thought it right so far to refuse his sanction to the plan as to forbid a Roman Catholic dean to act as vice-president of the College. Yet they were now told of the refusal to acknowledge the Queen's College, as if it were a new thing to the world. The hon. and learned Gentleman gave, as a reason for making inquiries into Maynooth, that it would be found that the doctrines taught there were ultramontane. Now he (Serjeant Murphy) might not be considered any authority on such a point; but having been associated the whole of his life with Roman Catholics, he claimed to possess some information on the subject, and he begged to tell hon. Gentlemen that the education at Maynooth was not ultramontane, but that which was known as Cisalpine. When at the Revolution the doctors of the Sorbonne were compelled to disperse themselves over Europe, two of the most eminent members of that University because professors at Maynooth, and from that time to this Cisalpine doctrines had always been taught there. Just in the same way, however, as every Roman Catholic priest was called a Jesuit, so, he supposed, every Roman Catholic in Ireland was called an Ultramontanist. It was a mistake which arose entirely from want of information on the subject. An hon. Gentleman opposite pointed to the book from which the hon. and learned Member (Mr. Whiteside) had read an extract; but as a Roman Catholic he (Serjeant Murphy) was not answerable for that book—nor had he, until he came into the House, ever so much as heard of St. Thomas Aquinas's *Secundæ Secundæ.* He must say he had received a good deal of information from the hon. Member for Warwickshire (Mr. Spooner) upon subjects he had never heard of before; but, as Dr. Johnson told a lady who was complimenting him on having omitted all naughty words from his dictionary—"Madam, you would not have known that, had you not been looking for them." It had been well said that they ought to judge of a system by its fruits; and the Roman Catholics could appeal to the world whether any body of men could be found with so little of blemish upon their moral character—considering their numbers—as the Roman Catholic clergy. If he were to follow the example of hon. Members opposite, he might just as well ground an argument against the morality of the English clergy, that because dissipated and vicious young men might be found at the Universities of Oxford and Cambridge, the clergy of the Church of England who come out of those Universities were not pure and honourable and moral in their character. But that would be a very fallacious and unjust mode of reasoning; for he was glad, as a Roman Catholic, to recognise many English clergymen whose characters were unimpeachable. The only agreeable circumstance that could be discerned when famine was stalking over Ireland, was to see the Roman Catholic and the Protestant clergyman and the Presbyterian minister vying with each other in the discharge of every kind and charitable office; and sad indeed was it to see the good feeling which that mournful dispensation of Providence had produced amongst them dissipated by such Motions as that of the hon. Member for North Warwickshire. The only new elements in that hon. Gentleman's speech were the statements he had read with respect to the riotous and violent proceedings, which he attributed to the interference of the priests in Ireland, at the last election. Now as he (Serjeant Murphy) was himself charged with owing his election to such interference, it would be obviously improper in him to make any minute statement on the subject until the matter should come before the authorised tribunal of a Committee; but he would tell the hon. Gentleman this fact, which might perhaps startle him to hear. He begged to declare, in the most emphatic manner, that it was the priests who were behind the people, and not the people who were led on by the priests. He repeated that the priests were dragged into the contest by the people. And they would feel no wonder that the people were excited, when they recollected the proclamation against harmless Roman Catholic processions, which had emanated from the Government within ten days of the general election; and when they remembered, too, that in the town of Stockport there had been a procession of little Roman Catholic female children, such as had taken place without interruption for nineteen years previous, carrying no banners, or anything that could irritate the feelings of Protestants, except that each child wore a small cross — a symbol he should hope that all Christians might equally adopt — and yet that two days afterwards the Roman Catholic chapels in Stockport were torn down, and rifled, and the sacred elements thrown into the streets and trodden under foot. Four days after that Her Majesty's Ministers placed before the country a document called the Queen's Speech, in which, having abandoned their old principle of protection, they were obliged to raise in this country the cry of Protestantism. Let the House look to these things, and say whether the Roman Catholics of Ireland had not reason to be distrustful of the Government. In the courts of justice, too, the Irish people had seen the manner in which a Roman Catholic clergyman had stood his trial; and they had heard the cheers of those who had listened with kindness to everything that could tell against him. They had seen even the highest authority in the Court of Queen's Bench catching at the applause of the bystanders, and holding a paper in his hand at a distance from him as if he did not like it to come

> "Betwixt the wind and his nobility,"

exclaiming, "Thank God, we have no Inquisition in this country!" Since then, by-the-by, they had seen the court repairing what they had complained of. They had appealed from the Court of Queen's Bench drunk to the Court of Queen's Bench sober, and four Judges had reversed the acts of one. But when the people of Ireland had witnessed all these things, no wonder that excitement should have prevailed at the general election in Ireland. The hon. and learned Gentleman had made a boastful appeal to the proselytes making to Protestantism in Ireland. No doubt they might be shown by thousands, but of what kind were they? He would not stop to point out the means resorted to for the purpose of securing these so-called conversions; but when the hon. and learned Gentleman boasted so much of Protestantism in Ireland, surely he had overlooked what had been taking place in England. When the hon. Gentleman saw persons of high station in the Universities, and persons gifted with the means of investigating the truth, doing so, and then thinking proper to embrace the Roman Catholic religion, he might, as a lawyer, have understood, according to the legal maxim, that witnesses *non numerantur sed ponderantur*, were to be reckoned, not by their numbers, but by the weight which their evidence would carry. Surely, a few of such converts proved far more than the greatest number of peasants tempted by famine, misery, and desolation to do wrong. He could appeal to the names of such men as Mr. Newman and Dr. Manning; and he could well afford to make the hon. and learned Gentleman a present of Dr. Achilli. They had been told that they had no right to deal with the Roman Catholic Church in Ireland, and the hon. and learned Gentleman spoke of the solemn compact entered into at the time of the Union. Now, on this subject he must call attention to the controversy which had been raised in that House, and in another place, with reference to the Canadian clergy reserves. A British Peer, a Scotch Presbyterian Peer at the head of Her Majesty's Government, and an English Bishop, had all concurred in recommending that a solemn agreement, entered into in 1795 with reference to the clergy reserves of Canada, might be taken up and reconsidered; the Bishop of Oxford had said that the principle of finality was not to be heard of in legislation; and if this was the case in Canada, what great injustice would there be if it was demonstrated that in Ireland there were funds held by the Established Church of enormous magnitude to which Roman Catholics contributed, and that of those funds there should be an entire redistribution? Well might it be observed, that it would be well for Ireland if she could be shifted a thousand miles more westward, and be dealt with as a colony. Would to God that she could! and then she might have a chance of being treated with justice and common sense. The Resolution before the House related to endowments for religious purposes; but he denied that Maynooth was such an endowment. It was an endowment for educational purposes, and did not stand on the same footing as the *Regium Donum*. It was the duty of the State to educate all classes of its subjects that had not the power to educate themselves, while they gave to every sect the right to worship God according to their consciences, so long as they violated no principle of decency or propriety. Even as a choice of evils, it was fit that they should have an educated rather than an uneducated clergy. But he would add that, if they did away with the necessity of contributing to the Established Church, he could truly say that that burden being removed, Catholics might probably be able, without coming to Parliament, to educate their own ministers.

MR. KIRK, believing that he was the only Irish Presbyterian in that House, and might, therefore, be said, in some degree, to represent no less than 700,000 of the inhabitants of Ireland, said he felt deeply the extraordinary sneers which had been thrown out against that sect for their acceptance of the *Regium Donum*. The acceptance of the *Regium Donum* was not a matter which ought to be objected against them, because it was granted to them in the year 1689, as a compensation for a right of which their clergy were deprived. Prior to that the then clergy of the Presbyterian Church in Ireland were endowed by the State, inasmuch as they received tithes on equal terms, and in the same manner, as the clergy of the Established Church. That system obtained from about 1601 or 1602 down to 1662, when the Presbyterian clergy were deprived of those revenues by the operation of the Act of Uniformity passed after the restoration of Charles II. On the landing of King William III. in Ireland, a deputation waited upon him, the result of which was, that he granted a sum of 1,200*l.* a year, to be charged on the customs of the port of Belfast, for the purpose of remunerating the Irish Presbyterian clergy for the revenues of which they had been unjustly deprived. When the *Regium Donum* was mentioned in this debate by some hon. Members, it had been sneered at; but whenever the question of the *Regium Donum* came fairly before the House on its own merits, which it did not now, he hoped to have an opportunity of defending it at much greater length than the House was now disposed to listen to him. The real question now under discussion had, in a great measure, been departed from. It had been said they were asserting a principle. If there was any principle at all involved in the matter, there must be two concerned in it. There was the question of a certain endowment or grant to the Presbyterian clergy of Scotland, and of another to the college of Maynooth for educational and religious purposes. He was acquainted with the opinions of the Roman Catholics of the north of Ireland; and he must say he had never conversed with a single Roman Catholic who was not most anxious that a fair and honest inquiry should be made into the doctrines taught at Maynooth, in the full belief that investigation would vindicate that institution against the attacks made on it. Under the belief that the Roman Catholics should be able to justify the grant, he thought it would be exceedingly unfair to withdraw it, now that it had been made, without such an inquiry; and for that reason he should decidedly vote against the Motion of the hon. Member for Birmingham.

MR. COGAN concurred in the abstract principle asserted in the Motion before the House; and if that principle was carried out in its full integrity, he should support the Motion; but he could not do so in its present shape, for he felt that the very same objections applied to it as to the original Motion of the hon. Member opposite (Mr. Spooner). If it was true that the clergy educated at Maynooth were taught doctrines there such as the hon. and learned Member (Mr. Whiteside) had represented, that seminary ought not only not to be endowed, but not even tolerated. According to the arguments of that hon. and learned Gentleman, the clergy educated there were unfit for civilised society; indeed, if the hon. and learned Gentleman's reasoning were pushed to its legitimate conclusion, not only ought the measure of Catholic Emancipation to be repealed, but the Roman Catholic religion itself should not be tolerated. He (Mr. Cogan) could not refrain from expressing his hearty satisfaction that that hon. and learned Gentleman had ceased to be one of the law officers of the Crown; for any person holding the opinions which that hon. and learned Gentleman held—and he (Mr. Cogan) believed held conscientiously—was not fit to carry out impartially the duties that appertained to that high office. He would advise the hon. Member for Birmingham not to press this Motion to a division, believing, as he (Mr. Cogan) did, that the time would come when the whole question of the ecclesiastical revenues of Ireland, and ultimately of this country, would be brought under review in that House.

MR. P. O'BRIEN, as an Irish Roman Catholic Member, tendered his thanks to the hon. Member for Bath (Mr. Phinn) for his kind and conciliatory speech, and expressed regret that the tone adopted by that hon. Gentleman had not been imitated by the hon. and learned Member for Enniskillen (Mr. Whiteside). The speech of the latter seemed to refer much more to the Motion for inquiry into Maynooth than to the abolition of the grant, which was the question raised by the Motion of the hon. Member for North Warwickshire. The hon. and learned Member (Mr. Whiteside) had alluded to Maynooth as a "dull institution;" but immediately after doing so he read a quotation from a book published by a professor of theology in that college, and in which very book there was a review of a work by the hon. and learned Gentleman himself, in which, borrowing a phrase from Thomas Carlyle, the author termed the hon. and learned Member's book a "wind bag." He should not now go into the general question; but, with reference to the charges that had been brought against the Catholic priesthood for their interference at the recent elections in Ireland, he hoped the time would come when he should have an opportunity of stating to the House exactly how the influence of the priesthood had been exercised at those elections.

Mr. MUNTZ had opposed the endowment of Maynooth in 1845, both by his speech and his vote, because he believed that all grants for religious purposes were injurious to the State, and he did not value the religion that required support of that kind. He did not object to vote for the Motion of his hon. Friend (Mr. Spooner) the other night; and for the same reason that he so voted then, namely, because he was opposed to all religious endowments, he should vote with his hon. Colleague (Mr. Scholefield) now. If the present vote was to be considered in the light of a *bonâ fide* vote, there could be no difficulty about the matter at all; it would be not only a vote against Maynooth, but against all other similar grants. It was said to be a very invidious thing to attack the Maynooth endowment first; but that he did not consider to have been done. In his opinion, the attack had been made on another Church first, in the matter of ministers' money, which stood precisely upon the same grounds. Did any Gentleman present conscientiously believe that the time would ever come when any one Motion would repeal all these grants? The fact was, they must proceed by instalments. All great reforms had been effected in that way. If he could not get all he wanted, he would take all he could get. Therefore, he contended, if they were ever to get rid of these grants generally, they must get rid of them individually. In giving his vote for the present Motion, he did so with the feeling that if they could get rid of all endowments at once, he would do so by one vote.

Sir JOHN FITZGERALD, as the representative of a Roman Catholic county, protested against the language used by the hon. and learned Member (Mr. Whiteside), which was calculated to stir up the worst passions. He said that every step had been taken by the last Government to defeat liberal candidates; and if the Roman Catholic clergy had interfered at the last election in Ireland, they had done so for the purpose of resisting the intimidation of the landlords. He considered the accusations against the loyalty of the Roman Catholic clergy to be most unfounded.

Mr. SPOONER said, his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) had gone so completely into the question of Maynooth, that he should not touch upon the question now, but content himself merely with answering the appeals which had been made to him on the subject. The hon. and learned Member for Cork (Mr. Serjeant Murphy) got up with a view to reply to his hon. and learned Friend; but feeling how great was his inability to do so, and that he could not deny the facts, or controvert the conclusions to which his hon. and learned Friend had arrived, with characteristic ingenuity he proceeded to divert the attention of the House from the subject, and delivered a long speech about the Canadian reserves. The hon. and learned Member said that he (Mr. Spooner) had put two different Motions on the books last year; and that when he found he could not carry the Motion for inquiry, he then tried to wipe off the endowment without inquiry. The hon. and learned Member added that at that time the Roman Catholic Members were all eager and anxious for inquiry. Now, he (Mr. Spooner) appealed to hon. Members who sat in that House during the last Parliament whether or not that was a fair statement of the facts? True, hon. Members professed a desire for inquiry; but whilst they did that, they took good care to meet him day after day with every obstacle which the forms of the House placed within their power. They acted, indeed, as if they were determined that an inquiry should not take place; and they used the forms of the House in such a manner that at length he felt himself obliged to rest altogether on the mere question of adjournment. He (Mr. Spooner) had been charged with having brought forward statements against the Roman Catholic clergy in regard to their conduct at the last elections in Ireland, which were totally unfounded; and it was said that the papers he had quoted from did not deserve the attention of the House. Now, at the time he quoted these papers he stated that he knew nothing about the parties they might chance to represent. He quoted extracts, not only from public papers circulated in Ireland, but from a number of English papers, into which extracts had been copied. And he had done this in order to show that the education at Maynooth had not been such as to answer the expectations of those who proposed the endowment of that college. But was it to be believed that the various papers he had quoted—agreeing, as they did, in the circumstances, and giving the names and the places—could be all in a conspiracy to state that which was utterly false? If they were, why did not the Irish Roman Catholic priesthood come forward and vindicate themselves in the courts of law? Why did they not file criminal informations against the papers which thus slandered them? Surely, if they suffered such statements to be made in their own country, under their very eyes, and to go uncontradicted, no one could be blamed for arriving at the conclusion that the statements were correct. That, in his judgment, afforded a pretty satisfactory proof of the charge he had made that the education at Maynooth had not answered the purpose for which the endowment of that institution was effected. He had also been told that the books from which he had quoted were not believed by all Roman Catholics, and that they were not bound by their contents. That point he left Roman Catholic gentlemen to settle with their priests. It was an undoubted fact, however, that the books referred to were taught at Maynooth, and that the State paid for such teaching. He did not arraign individuals amongst the Roman Catholics for their private opinions, but he did arraign this House and the Government of this country for giving their sanction to the doctrines disseminated at Maynooth. He had moved for the withdrawal of the endowment, not from any mere pecuniary consideration—not from any objection to endowments for the cultivation and teaching of true religion—his objection to Maynooth was, that doctrines were taught there which were not only repugnant and injurious to society at large in this country, but completely subversive of that Protestant principle which the Sovereign upon the Throne was bound to maintain, and which Parliament ought, by every means in its power, to uphold and defend. Show him any other college endowed with the money of the State in which such doctrines were taught—where the supremacy of the Pope of Rome was asserted as against the supremacy of the Crown—and where doctrines totally antagonistic to the holy word of God were maintained, and he would be the first to vote for the withdrawal of the endowment. But he could not consent to purchase it upon the low ground his hon. Friend (Mr. Muntz) had suggested, and should, therefore, vote against the Resolution of the Member for Birmingham.

Question put.

The House *divided*:—Ayes 68; Noes 262: Majority 194.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Bell, J.
Berkeley, hon. C. F.
Biggs, W.
Bouverie, hon. E. P.
Brown, H.
Challis, Ald.
Chaplin, W. J.
Cheetham, J.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
Duncan, G.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Evans, Sir De L.
Ewart, W.
Fergus, J.
Forster, C.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Goderich, Visct.
Goodman, Sir G.
Hadfield, G.
Hall, Sir B.
Hastie, A.
Hastie, A.
Hutchins, E. J.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Laing, S.
Langton, H. G.
Laslett, W.
Mackie, J.
Massey, W. N.
Miall, E.
Michell, W.
Muntz, G. F.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, J. G.
Phinn, T.
Pigott, F.
Pilkington, J.
Price, W. P.
Scobell, Capt.
Scrope, G. P.
Seymour, H. D.
Smith, J. B.
Stuart, Lord D.
Thompson, G.
Walmsley, Sir J.
Warner, E.
Whalley, G. H.
Willcox, B. M.
Williams, W.

TELLERS.

Scholefield, W.
Shelley, Sir J.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Adderley, C. B.
Annesley, Earl of
Arbuthnott, hon. Gen.
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Barrington, Visct.
Barrow, W. H.
Bellew, Capt.
Bentinck, G. P.
Berkeley, Adm.
Biddulph, R. M.
Blair, Col.
Bland, L. H.
Blandford, Marq. of
Boldero, Col.
Bonham-Carter, J.
Booth, Sir R. G.
Bower, G.
Brady, J.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Browne, V. A.
Bruce, Lord E.
Bruce, C. L. C.
Bruce, H. A.
Buck, L. W.
Burghley, Lord

Butt, G. M.
Byng, hon. G. H. C.
Cairns, H. M.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Charteris, hon. F.
Chelsea, Visct.
Child, S.
Christy, S.
Clinton, Lord R.
Cobbold, J. C.
Cocks, T. S.
Cogan, W. H. F.
Coles, H. B.
Coote, Sir C. H.
Corbally, M. E.
Cowper, hon. W. F.
Davies, D. A. S.
Davison, R.
Denison, J. E.
Dering, Sir E.
Devereux, J. T.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dundas, G.
Dunne, M.
Du Pre, C. G.
Egerton, Sir P.
Elliot, hon. J. E.
Emlyn, Visct.
Fagan, W.
Fellowes, E.
Ferguson, Sir R.
Filmer, Sir E.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forbes, W.
Forester, rt. hon. Col.
Forster, M.
Forster, Sir G.
Fortescue, C.
Franklyn, G. W.
French, F.
Freshfield, J. W.
Gooch, Sir E. S.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, Lord M. W.
Greenall, G.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Guernsey, Lord
Halford, Sir H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Hardinge, hon. C. S.
Heathcoat, J.
Heathcote, Sir G. J.
Heathcote, G. H.
Henchy, D. O.
Heneage, G. F.
Herbert, rt. hon. S.
Herbert, Sir T.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hildyard, R. C.
Hope, Sir J.
Horsfall, T. B.
Hotham, Lord
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Kennedy, T.
King, J. K.
Kirk, W.
Knatchbull, W. F.
Knox, Col.
Knox, hon. W. S.
Laffan, R. M.
Lewis, rt. hon. Sir T. F.
Lewisham, Visct.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lucas, F.
Mackenzie, W. F.
Mackinnon, W. A.
M'Cann, J.
M'Gregor, J.
Maddock, Sir T. H.
Maguire, J. F.
Malins, R.
Mandeville, Visct.
Manners, Lord J.
Masterman, J.
Meagher, T.
Meux, Sir H.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Morgan, C. R.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mure, Col.
Murphy, F. S.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
O'Brien, P.
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Ossulston, Lord
Paget, Lord A.
Pakenham, Capt.
Pakington, rt. hon. Sir J.
Palmerston, Visct.
Parker, R. T.
Patten, J. W.
Peacocke, G. M. W.
Peel, F.
Peel, Col.
Percy, hon. J. W
Phillipps, J. H.
Phillimore, R. J.
Portal, M.
Portman, hon. W. H. B.
Powlett, Lord W.
Prime, R.
Repton, G. W. J.
Robartes, T. J. A.
Robertson, P. F.
Rolt, P.
Rushout, Capt.
Russell, F. C. H.
Sadleir, J.
Sawle, C. B. G.
Scott, hon. F.
Scully, F.
Scully, V.
Seymer, H. K.
Seymour, Lord
Shelburne, Earl of
Sibthorp, Col.
Smith, W. M.
Smyth, J. G.
Smollett, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stansfield, W. R. C.
Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Stuart, H.
Sullivan, M.
Swift, R.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Ald.
Tollemache, J.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Villiers, hon. F.
Vivian, J. E.
Waddington, D.
Walcott, Adm.
Wall, C. B.
Walpole, rt. hon. S. H.
Wellesley, Lord C.
West, F. R.
Whatman, J.
Whiteside, J.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Willoughby, Sir H.
Winnington, Sir T. E.
Wyndham, Gen.
Wyndham, W.

TELLERS.
Hayter, W. G.
Berkeley, C. G.

Main Question, as amended, *negatived.*

CLITHEROE ELECTION.

MR. GASKELL moved—

"That Mr. Speaker do not issue his warrant to the Clerk of the Crown to make out a new writ for the electing of a Burgess to serve in this present Parliament for the borough of Clitheroe until Monday the 11th day of April next."

The hon. Gentleman said he would not express any opinion as to the course which it would be expedient to pursue with reference to this borough, as the evidence taken before the Committee would so soon be in the hands of Members. He would only say that he made this proposition with the unanimous concurrence of the other Members of the Committee.

MR. GOULBURN said, he thought the House ought to exercise great caution in their proceedings upon Motions of this kind, for it would be an extreme injustice, when an individual case of bribery only might arise, to deprive a borough of its representative. As it appeared to be the opinion of the Committee that it was desirable to suspend the issue of the writ in this case, he could not, of course, oppose the Motion.

SIR ROBERT H. INGLIS concurred in opinion with his right hon. Friend; and he also doubted whether it was expedient to fix the same day for so many of these Motions with regard to writs.

SIR GEORGE GREY thought, that the Chairman of the Committee having made this proposition, it ought to receive the sanction of the House; but where no special Report was made, and only a single case of bribery arose, it would be almost unconstitutional to suspend the issuing of a writ.

Motion *agreed to.*

House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, March 3, 1853.

MINUTES.] PUBLIC BILLS.—1^a Inland Revenue Office.

2^a Registration of Assurances.

REGISTRATION OF ASSURANCES BILL.

Order of the day for the Second Reading read.

The LORD CHANCELLOR, in moving the Second Reading of the Registration of Assurances Bill, said, he was very sensible that he had a difficult task imposed upon him when he was obliged to ask their Lordships to favour him with their indulgence for a short time—and, as far as he could control the discussion, it should be only for a short time—while he called their attention to a measure which was one very much of detail, and of a nature which was not at all attractive. If, however, such an apology were misplaced in any deliberative body, he thought it would be misplaced here; for, unless he was greatly deceiving himself, important as the question was to all classes of Her Majesty's subjects, there was no class so deeply interested in the success of this measure as those who were mainly interested in the land of the country; because he thought the effect of it necessarily would be, as was stated by very great authorities not less than two centuries ago, to add materially to the transferable value of land, and so to the amount of rent, and to the security of purchasers. Such was the opinion of Sir Matthew Hale, who, having completed the purchase of an estate and got a title which was the best that the conveyancers of the day could secure to him, said he would give one year's purchase more if the seller could only secure him absolutely.

The object with which he (the Lord Chancellor) submitted the present Bill to their Lordships, was to put an end, as far as practicable, and he believed it would almost completely put an end, to insecurity of title. He proposed by this Bill to effect nothing more. He knew it was said that it did not go far enough, and that there ought to be many more improvements with respect to the transfer of landed property. On that point he expressed no opinion. He thought indeed that greater facilities might be given for the transfer of landed property; but he had introduced this measure, not because it effected all that one might wish to have effected with respect to property, but because he believed it would afford the most secure, solid, and safe foundation on which all future improvements could be made to rest. Still less was it in his contemplation to propose that this measure should effect, or to pretend that it would effect, the least change in the mode in which property was enjoyed. Property would after, as before, the passing of this Bill be leased, be mortgaged, be subject to provisions for the younger branches of families; every one would be entitled to deal with it, in short, after as before the passing of this Bill. The sole object, as he stated, was to render it possible to have a perfectly secure title.

Before he proceeded to explain the details of the measure, he begged leave to explain what were the present difficulties of the subject. Land, he need hardly say, was a subject-matter with which they could not deal as they could deal with common chattels. If he wanted to sell his watch or his horse, nobody would ask him what was his title to the possession of them. Possession was held generally to imply title; it was itself such strong if not conclusive evidence that it was taken for granted that the watch or horse which he had in possession was his. But that was not, and could not be, the state of things in regard to land. The possession of land proved very little indeed as to whom it belonged. A party might be in possession of land only because he had hired it for six months, or because he had taken a lease of it, or because he had a mortgage of it, or because he was tenant for life under settlement, or because the estate was what was popularly called an entailed estate. If, therefore, a party desired to sell his land, he must be able to show that he had power to sell it; he must prove to an intending purchaser that he had the power of transferring that land, and of making a good title to the purchaser. What he (the Lord Chancellor) was stating was of course a sort of truism, but he was stating it to make the object of the Bill clearly understood. The party who sold an estate must show that he had the land, and that he had a title to the land. He must produce deeds conveying the land from somebody else to him, and deeds conveying the land from somebody else to the person from whom he had purchased the land, and so on, till he had carried that proof over a considerable number of years. Until a recent alteration in the law, a person might set up a claim to an estate against a person who had been in possession for 60 years. An adverse title could now be asserted only within 20 years, unless where a further extension is allowed by reason of infancy or other disability. But the question was, what was the title of the person selling? Was he, although in possession of the land, absolute owner, was he owner in fee simple, as it was called, or was he a person who had only a limited interest? In order to show his title the party showed perhaps a conveyance to himself of the land in question. But then it remained to be shown how it came into possession of those from whom he derived his title. This question, however, would, in viewing the case on the surface, be asked, "Well, you have shown me that you purchased this land 20 years ago. Since that time you have married. Did you make a settlement on your marriage?" "No; I made no settlement." "How am I to be assured of that?" "Well, I did not make a settlement." A correspondence took place, perhaps, with the solicitor of the person who desired to sell, and the question was put to him, "Do you know whether a marriage settlement was made?" And the answer might be, "Yes, I know that a marriage settlement was made; but not of this particular property." Then perhaps the purchaser would desire to see the settlement, in order to ascertain that it was not of this particular property; and then, perhaps, a similar question would arise as to bygone transactions with reference to the person who had sold to the vendor. That was but a case in illustration, and there were 50 others of a similar kind which might be stated. He would not weary their Lordships by going into them; but the difficulties to which he referred lay on the surface. There were many cases in which a valid mortgage existed, but in which questions might be raised respecting titles. The purchaser might say, "Well, you are in possession of the land—have you mortgaged it?" "Why here are the title deeds" might be the reply. But lawyers knew that that was not necessarily a proof of ownership, because there were many cases in which, when a mortgage was effected, the title deeds were not given up. The difficulty might be thus stated:—By the present law the necessity of proving a negative was placed on the vendor of the estate. He was asked to prove that he had not done anything to affect that title which was apparent on the face of his instrument. It was not meant to suggest that cases of actual fraud, that cases where the parties actually did lose their estate, were of very frequent occurrence. He should not overstate the case in that House—he did not believe they were of very frequent occurrence. And why? Because, in the progress of a sale, inquiries almost endless were made—not only those which were manifest with respect to the title of the seller, but with respect to all possible transactions which might be behind and concealed, the disclosure of which afterwards might defeat the title of the purchaser. That, he believed, was the real evil which this Bill was well calculated to meet. He believed that without a measure of this sort perfect security was impossible. From the nature of things it could not be otherwise, for it was impossible that one could be sure that he had proved a negative, if there were anything affecting the title, other than the deeds produced, which had not been disclosed. The object of the present measure was to get rid of this difficulty, and convert the negative issue which now lay upon the vendor, to prove that there was no document affecting the title other than what he disclosed, into a positive issue to be cast upon the purchaser, to show that there were documents affecting the title not disclosed by the deeds produced. The outline of the Bill was this:—Suppose a person purchased an estate; "Bellenden-park" had been the name assigned in some of these discussions to the supposed purchase. He would deposit with the registrar the deed whereby the estate was conveyed to him, or a copy of that deed. Suppose that some years afterwards the owner should be under the necessity of borrowing money—say 5,000*l.*, and mortgaged the estate, or part of it; the mortgagee would take care to enter upon the register the mortgage deed, or a copy of it. Suppose the owner afterwards to marry, and settle the estate in the ordinary way, upon himself for life, then on his wife for life (or giving her a jointure), and afterwards on his sons in succession. Then suppose the owner died, and the eldest son and the mother determined to sell the estate. The settlement would for security be upon the register, under the Bill now proposed; and the son and the mother would be able to say, "Assuming that there was a good title in the vendor when the estate came into our family, there can be no question as to anything affecting the estate since then, because by this law nothing whatever can affect the purchaser which is not disclosed upon the face of the register." True, he (the Lord Chancellor) did not pretend to say you would have got rid of the question whether the original vendor had a good title; but that was a difficulty that could not be grappled with; you could not make a good title retrospectively; but time would ripen the title, and he would remark that if a Bill similar to this had passed when the first Report recommended it, above 20 years would now have elapsed, and, though it would not have been perfect, the benefits by this time would have been very great. Suppose the mother and son were contracting to sell under the present law. They would show the mortgage; and the first question of the intending purchaser would be, how much was due upon it, and whether there had been a further advance; and perhaps the mortgagee might not answer the inquiry. But the settlement also would be produced. Perhaps it would be found—it was very ordinarily done—to settle the estate upon such sons as the parent should appoint, and in default of appointment to them in succession; and the eldest son was selling. "Did your father execute any appointment?" "I never heard of such a thing." The family solicitor would be referred to: "Do you know of any appointment to any of the younger children?" "No; there is none that I know of; to be sure, he resided for some time at York; I don't know whether he may have employed anybody there." Nothing more, perhaps, could be learnt upon the subject; you are obliged to say, "The parties are honest; I must take their word." This measure would make it certain, because it would be immaterial if there was an appointment, unless the deed was put upon the register. Suppose there was no settlement produced, or only one giving a jointure to the mother; then there came the question, whether there was any other settlement, whether this son was the heir-at-law, or whether there was a will; and a prodigious number of other questions arising necessarily upon the transfer. It would be seen, therefore, what a great boon such a measure as this would be. The measure, too, while adapted to the existing mode of dealing with property, would not only not be inconsistent with any improvements that might be made, but would facilitate them in an enormous degree, because there would at least be one of the great difficulties in the way of improving land removed. The evils of the present system had been felt from remote times, and attempts at a remedy by registration had been made from the time of Henry VIII., when there was an Act for the enrolment of bargains and sales. Attempts were made in the time of the Commonwealth, and renewed in the time of Charles II., but dropped again, except in the instance of the Bedford Level; and in the reign of Queen Anne and George I. Acts were passed for local registers in Yorkshire and Middlesex, and the advantage was much prized, though the mode of operation was defective. Still they had been felt to be an improvement. Attempts were again made in the latter part of the eighteenth century; but nothing effectual was done till near the close of the reign of George IV., when the noble and learned Lord (Lord Brougham) made his memorable speech on law reform, and that was followed by the noble and learned Lord who then held the Great Seal issuing a Commission, consisting of the most eminent lawyers, to inquire into the best way of amending the law of real property, but not specifying a register of deeds. He knew it was often said, you could not trust lawyers with reforms of this sort; but he hoped the zeal they had of late manifested for amending the law, root and branch, proved that such suspicions were undeserved. The Commission comprised an eminent Common Law barrister, now the Lord Chief Justice, two eminent Chancery barristers, and five of the most celebrated conveyancers of the day; one of the Chancery barristers, Mr. Tinney, still lived, and one of the conveyancers, Mr. Brodie; the others were all gone—Mr. Duval, Mr. Hodgson, Mr. Sanders, Mr. Tyrrell, and Mr. Duckworth. They made a searching investigation, and presented several reports; the second recommended a register. The report was quite unanimous, and most elaborately got up. They went through the whole question, and they stated—what no man could fail to concur in—that the establishment of a registry was necessarily the foundation of all real practical reform. They pointed out how easily persons might now be defrauded by some interest starting up after the purchase-money had been paid; and they made this remark, which seemed to him extremely good sense:—

> "But a very inadequate estimate will be formed of the evils of the present system from merely considering the cases in which a loss actually does arise to purchasers or mortgagees from titles proving defective in consequence of the suppression of deeds. It is a consideration of the greatest importance, and one which presents the existing evil in the strongest light, that in all transactions respecting sales and mortgages of real property, suppression of title is treated as a risk to be apprehended, and against which it is the duty of the professional agent to guard by every means in his power. In the process of investigation which is instituted as to the title, not only every document the existence of which in any manner appears, and which by any possibility may affect the title, is called for; but various collateral sources of information, existing generally or in particular cases, are resorted to. Inquiries are made from the occupiers of the lands, and from persons who have long dwelt in the neighbourhood; county and local histories are examined; searches are instituted for land-tax assessments, awards under enclosure bills, grants from the Crown, grants of annuities, records of fines and recoveries, enrolments of deeds, judgments entered up in the several courts of record, securities given to the Crown, probates of wills and grants of administration, and various other species of documents. In every case, except where the property is too small to make risk important, as compared with present expense, investigations of this nature, adapted to the circumstances, are prosecuted to a great extent, and they occasion a considerable portion of the delay and expense which are felt to be the great evils now attending the transfer of real property."

As the consequence of that Report, a Bill was introduced into the House of Commons, and there was a Committee of the House of Commons upon the subject, and they were unanimous in favour of such a measure. Upon a discussion, however, in the House itself, the Bill before the House was thrown out, there being a great opposition to it, mainly by solicitors; not that he would insinuate that they were actuated by dishonest motives in their opposition; there were bad men among them, no doubt, as well as good—but he (the Lord Chancellor) believed that most of them conscientiously thought that such a measure would aggravate the evil, and cause additional risk; and he did not wonder at any one so thinking, who had not fully investigated the subject. Among other objections it was said such a measure would lead to the exposure of family transactions; for if a copy of a deed was placed upon the register, persons having no interest in the matter might apply for an inspection, and thus ascertain whether the land was mortgaged or not. He thought there were two answers to this objection. But, in the first place, it was right that mortgages, for instance, should be known to persons who were dealing with the estate; and next, he never could believe that people would go from mere curiosity and pry into the deeds; people did not go to Doctors' Commons, except they had an interest in the matter. Then it was urged that there would be a risk of loss of documents; but that would be avoided by allowing the owner to register a copy of the deed, and not the original. Several Bills for carrying into effect the recommendations of the Commissioners and establishing a register were from time to time introduced into the House of Commons, but none of them ever passed that House. He now came to a matter to which he thought it necessary to call their Lordships' attention, because, although it was introduced with a different object, the result materially affected the question now under consideration. Their Lordships would probably recollect what passed in 1845 and 1846 with respect to the abolition of the corn laws. It was thought that concurrently with a great alteration on the subject of the corn laws, whereby it was supposed that certain benefits hitherto enjoyed by the landowners would be removed, that some inquiries should be made as to whether means could not be taken to relieve them from a portion at least of their difficulties; and in 1846 a Committee of their Lordships' House was appointed to inquire into the burdens on real property, and the impediments to agricultural transactions caused by the system of excise duties, the poor-laws, and the local taxation; and also to inquire and report on the exemptions and peculiar advantages provided by law in respect to taxation as affecting real property. And who were the individuals to whom was entrusted the task of inquiring what can be fairly done for the landed interest? Were they speculators and theorists? No; the Earl of Ellenborough, Lord Beaumont, Lord Redesdale, Lord Dalhousie, Lord Colchester, the Duke of Richmond, the Duke of Buckingham, the Marquess of Lansdowne, the Marquess of Salisbury, Lord Brougham, Lord Stanley (now Earl of Derby), Lord Ashburton, Lord Cottenham, Lord Monteagle, the Earl of Hardwicke, the Earl of Radnor, the Duke of Buccleuch, the Earl of Haddington, the Earl of Clarendon, the Earl of Malmesbury, Earl Grey, and the Earl of Stradbroke. They examined into the matter; and to what conclusion did these, not theoretical or practical law reformers, but great landed proprietors, arrive? These great landed proprietors reported—

> "That the marketable value of real property was seriously diminished by the tedious and expensive process of the transfer of land, and that a registry of title to all real property was essential to the success of any attempt to simplify the system of conveyancing."

A new Commission was then issued, comprising Mr. Bellenden Ker, Mr. Coulson, and Mr. Humphrey, three eminent barristers, well acquainted with the law of real property; and in order that it might not be supposed that other interests were not consulted, Mr. G. Frere and Mr. Broderip, eminent solicitors, were added. They investigated the matter afresh. Did they come to a different conclusion from the others? Not in the least. They felt that it was demonstrative that there ought to be a register on which you should have every title deed that was to affect the purchaser. Their report was made late in the summer of 1850. In 1851 the noble and learned Chief Justice, with the sanction of the Government [Lord CAMPBELL—as the organ of the Government] introduced a Bill on the subject. That Bill was read a second time and referred to a Select Committee, which was attended by almost all the law Lords, by a number of other noble Lords, assisted by Mr. Coulson. That Committee sifted the matter to the bottom; and the Bill, with some amendments, was reported to the House, and read a third time and passed, with, he believed, their Lordships' unanimous concurrence, certainly without any division. It was then sent to the other House, but unfortunately at so late a period of the Session that it could not be discussed there; and the measure was dropped. Then came 1852, when there was a change of Government, and it was no matter of blame that the new Government did not take up the subject; indeed, their Lord Chancellor (Lord St. Leonards) was known to be hostile to the measure. As soon as he (the Lord Chancellor) received the Great Seal, he considered it one of his first duties to look to this subject, and, unless he saw some very strong reason against it, to take up the measure which their Lordships had sanctioned. The Bill which was referred by them, as he had said, to a Select Committee, was, when so referred, a Bill carrying into execution the recommendation of the Commissioners in its integrity—namely, that the registry should be framed upon the basis of an universal map to be made of the whole country upon a scale of six inches to a mile. There was a difference of opinion among the Commissioners on that subject, although they all concurred in the importance of establishing a register. Two of the Commissioners thought that the system of maps was not the best that could be adopted. He (the Lord Chancellor) thought, however, that that was the best plan, if it was practicable. The Commissioners went into a great deal of evidence on the subject, and they found that if they were to postpone the measure until they got the maps, the country would think, with reason, that they were making a pretence of introducing a measure which was really to be postponed *ad Græcas calendas;* and besides, it was believed that the expense of the maps would amount to two or three millions. Although they could not but feel that the facilities of carrying out the measure would not be so great without a map as with one, yet the Commissioners agreed to alter the Bill, and so to modify it as to get rid of the map. There was, of course, nothing to prevent them engrafting maps upon the measure at any future time, or from admitting maps which might be provided by private individuals as descriptions of their own property. Having thus stated the nature of the Bill, he would now proceed to consider what was the nature of the objections urged against it. He knew that, great and overwhelming as was the weight of authority in favour of the measure, there was one very distinguished authority (Lord St. Leonards) in that House, who was strongly opposed to it; but he thought, although their Lordships would give ready attention to any suggestions from such an authority, that no authority, however high, would induce them to abandon a course which, as he had shown, they had deliberately resolved upon, and which came sanctioned as this measure came, and carrying with it so much to recommend itself.

Now, what were the objections against

the Bill? These objections might be classed under different heads. In the first place, it was said by his noble and learned Friend (Lord St. Leonards) that it was in truth impracticable, or nearly so, and that the measure was so immense that they would never be able to control or manage it. It was said, "What an enormous building you must have for these deeds; what an enormous staff of officers you will require; and to what enormous risks you must expose these title deeds, or copies of title deeds." These objections, however, like most others, when fairly grappled with, diminished most sensibly. The extent of the building and the number of officers required would, of course, depend upon the quantity of deeds registered. Now what would be the probable quantity? On this point he thought his noble and learned Friend had made estimates upon data which could not altogether be relied upon. He (the Lord Chancellor) thought—though he did not bind himself to it—that if the number was as great as the noble and learned Lord suggested, there would still be no difficulty. What could be the difficulty of providing a sufficient building in these days, when they had seen the Crystal Palace rise in the course of six or eight months? He believed, however, that his noble and learned Friend had greatly overestimated the quantity of deeds that would have to be registered. The practical difficulties on this point were fully investigated by the different Commissions, especially by those of 1829 and 1830, who endeavoured to ascertain what number of deeds relating to land throughout England would require to be registered. Fortunately, they hit upon an expedient which was, he thought, little liable to deceive. There was a register, an imperfect one indeed, in Yorkshire; and the Commissioners inquired what the area of Yorkshire was as compared with the area of England. The area of Yorkshire was, in round numbers, about 3,800,000 acres; the area of England and Wales was about 37,100,000 acres. The number of deeds registered in Yorkshire in the year 1829 was 6,900. Now, if they made this a rule-of-three sum, and said, "As is the area of Yorkshire to the area of England," so are the 3,800,000 acres of Yorkshire to the 37,000,000 of England," they would arrive at a pretty accurate result, and they would find that the number of deeds likely to be registered in a year in England and Wales was upwards of 67,000—he would say, 70,000. There was, undoubtedly, a good deal of uncultivated land in the remoter parts of Yorkshire; but the quantity of waste land in Wales was much greater than in Yorkshire. The Commissioners also took the population of Yorkshire as compared with the population of England and Wales. The population of Yorkshire in 1821—the last return the Commissioners had—was 1,200,000, and the population of England and Wales was 12,200,000: by proceeding in the same manner as before, the same result was arrived at, namely, that the number of deeds to be registered would be about 70,000. The last Commissioners came to the conclusion that the number of deeds registered would be about 80,000 a year; but taking into account the additional number of registrations in Middlesex and other exceptional places, he would suppose the registration to reach 100,000. Now, was that a number of instruments capable of being dealt with? Mr. Frere made a very elaborate calculation on this subject, in which he (the Lord Chancellor) could find no defect; and he said that, taking the ordinary sized deeds, which were usually doubled so as to make nine folds, he could put a certain number with ease into a box of a certain size; and he calculated that a room about 25 feet by 24 feet would contain about four rows of stands, on which they could place 980 boxes, containing 38,000 deeds. It was calculated that in a house of five stories high, the dimensions of which were mentioned, they would be able to provide for the reception of deeds for five years, reckoning upon the register of 80,000 a year; and that the frontage of three best class three-windowed houses, of the ordinary depth, would afford accommodation for all the deeds likely to be registered for more than 60 years. Now, if this was at all an accurate calculation, he believed that double the number of copies of deeds might be deposited in the same space, because the copies would not occupy half the space of deeds. He thought, therefore, it was clear that no very enormous building would be necessary for the commencement of a system of registration. He did not think the calculations which had been made were at all likely to deceive, and some evidence was given before the Commissioners which tended strongly to prove their accuracy. He alluded to the testimony which was given by Mr. Trevor, the controller of legacy duty. It appeared from that gentleman's evidence that there was in Somerset House a registry of all wills and administrations in the United Kingdom, which was considered essential to the due collection of the duty, the authorities at Somerset House having entered into a treaty with the officers of the Ecclesiastical Courts, under which they were furnished with copies of all wills. For England and Wales about 25,000 wills and administrations were annually registered, and for Scotland and Ireland more than 4,000, making in round numbers about 30,000. Now, this number of wills was received, registered, and elaborately indexed every year at Somerset House, where, according to Mr. Trevor's evidence, they were so arranged that they could be referred to in a moment. What was done at Somerset House was not merely to receive and register the wills, which was all that would have to be done with respect to deeds; but at least 20,000 of them annually were most elaborately abstracted—a work which required great thought and attention. This was done by an establishment, which was certainly large, consisting of about 70 clerks, who had also to write to persons all over the kingdom requiring them to pay legacy duty, and whose labours were much greater than those of the parties who would have to conduct the registration of deeds under this Bill. He must say, then, that with regard to the extent of the building and the registration of the deeds, he could not see any difficulty. He must not be supposed, however, to have passed over what was regarded as a material difficulty—namely, how to make indexes so that persons might search with the greatest facility. The want of such indexes in Ireland had been the bane of their Registration Act. He thought the country might be divided into districts, and that every deed, when received, might be indexed and deposited in boxes, to which reference would be easy, the entries being on the same principle as those in a banker's book. The Bill would give the largest authority to the registrar, under the control of the Lord Chancellor, to adopt any mode which might be more practically easy and useful.

Another objection made to the system of registration was the exposure of titles. Now, he did not consider this to be any objection at all: but in order to meet the views of those who thought this was an objection, a mode was provided in the Bill which enabled persons to keep secret from everybody any settlement they might make, just as they could now keep secret a settlement of stock in the funds. If a man made a settlement of stock in the funds, he transferred it into the name of one, two, or more trustees, who executed a deed binding themselves to the performance of certain trusts or duties with reference to that stock. Of course there was a possibility that the trustees might cheat—that they might sell the property:—but if it was known they were likely to do so, a *distringas* might be obtained—a writ which prevented the transference of the stock without notice to the parties. What he proposed was this. Under this Bill, if persons wished to give trustees the same power over land which they could give with regard to stock, they were enabled to do so; but it would be stated that the property was transferred to the trustees upon the trusts of a certain deed which the parties did not choose to place upon the register. No doubt the persons who made such a transfer would expose themselves to the possibility of being cheated; but the same provision was introduced into this Bill which existed with reference to stock—namely, that if a party about to be defrauded discovered the intended fraud, he might obtain what was called an inhibition, which would prevent the misappropriation of the property. He had no doubt there would be a great many transactions of this sort. He believed it would be a very common thing for parties who made mortgages or settlements which they did not wish should be known, and who had perfect confidence in one another, to make these arrangements. If, for instance, a person wanted a loan for a short time, and knew he was dealing with an honourable man, he would say, "I will mortgage this property to you, but I hope you will not insist upon registering it. I will not deal with it again without communicating with you." The transaction would be perfectly valid as between the borrower and the lender; and the effect of such arrangements would be very materially to diminish the number of deeds to be registered. A good deal had been said on the subject of the additional expense that would be imposed on purchasers by these provisions. No doubt of it. There would be the expense of a copy of the deed—the expense, perhaps, of two skins of parchment instead of one, and of the law stationer's charge for the copy—but that would not be much. Then there would be the expense of remitting the copy to the registrar, but that would be a mere trifle. The copy might be sent as a parcel through the Post Office, and the charge would probably not be more than 2*s.* for transmitting it from the remotest part of England. With regard to the expense of the registry, it had been calculated that, including rent, or interest upon purchase-money, for the house that would be required, the cost might be 20,000*l.* a year at first. If they had to register 100,000 deeds annually, a payment of 4*s.* a deed would raise 20,000*l.*, and 5*s.* a deed on an average would yield 25,000*l.* He did not mean that the expense of a deed to every poor man would be 5*s.*, but this amount he took as an average. He thought that deeds relating to property under a certain value should not cost more than 6*d.* or 1*s.*, so that the burden would fall almost insensibly upon the poorer classes of purchasers.

It had been said by the noble Lord (Lord St. Leonards) that "a collection in London of all the title-deeds of all the property in England and Wales would, in times of confusion and revolution, probably invite the first blow. They who approve of Socialist principles would doubtless consider it a considerable step towards an equal division of property that no man could show a separate title to any given portion of it. The risk of fire—bear in mind the fate of our Houses of Parliament; the dangers to be apprehended from the ebullitions of a mob; the dishonesty of inferior officers in purloining the old parchments for sale, and the like, may be added to the catalogue. The plan, moreover, would open a fine harvest to a legitimate Government for taxation, and to an illegitimate Government for confiscation. The State would possess, in one building, all the title-deeds to all the property in England and Wales." Now, with all deference to his noble and learned Friend, he begged to say that if this was all the objection which he and those who opposed the measure could bring against it, he did not think there would be any serious difficulty on the subject. In his opinion, in case of a popular tumult or civil war, there would be more temptation in the 21,000,000 sovereigns in the Bank of England, than in all the papers and parchments which could be found in the Register-office.

Moved—That the Bill be now read 2ª.

Lord ST. LEONARDS, after presenting a petition from the Managing Committee of the Metropolitan and Provincial Law Association, praying that the Bill might not be allowed to pass into a law, said that he rose with deep regret to oppose the measure, because he should have been very glad if he could have conscientiously supported the first measure of legal reform which his noble and learned Friend had brought before the House. But he thought their Lordships would admit that he had no other alternative when he stated that for twenty-three years he had, both in and out of Parliament, strongly, constantly, and consistently opposed the very measure—with some slight alterations—he might not call them improvements—which was now before their Lordships. But, as both Houses of Parliament had repeatedly heard elaborate reasons in favour of the Bill, while nobody had come forward to state what the objections to the Bill were, their Lordships, he hoped, would not think it unseemly if, in these circumstances, he should now state the grounds upon which, for so long a period, he had objected to the measure.

And here, before proceeding further, he begged to say that he had been surprised to hear his noble and learned Friend speaking of him as a "distinguished authority" on this subject. He assured their Lordships that he had never assumed to speak as an "authority" upon it; and that if he now asked them not to read a Bill a second time, it was only because of the reasons which he should submit to them, and of the weight of which their Lordships themselves were quite competent to judge. He would not even ask his noble Friends on his own side of the House to vote against the Bill unless they should be satisfied with the reasons which he should state why the Bill ought not to pass into a law; and with respect to the noble Lords on the other side of the House, if they should think that his objections had any weight, he confidently relied, notwithstanding what had passed on previous occasions when their Lordships voted in favour of a similar Bill, before they had heard the objections that could be urged against it, that they would now freely give him their support.

He felt that he laboured under some difficulty in stating his objections to the Bill, because his noble and learned Friend on the woolsack, by referring to a publication of his (Lord St. Leonards) on the subject, had anticipated his objections; but as, of course, his noble and learned Friend had stated them in a manner not likely to attract their Lordships' attention, he should feel it to be his duty to state them with a little more particularity; and of course he also felt the difficulty of the position in which he was placed by the circumstance that the same Bill in effect as that now in question had already been approved of by their Lordships. In order, however, to remove some obstacles out of his way, he should first refer to the history of the Bill. The Bill, as their Lordships had already heard, originally emanated from the Real Property Commissioners, at the head of whom was his noble and learned Friend the present Lord Chief Justice (Lord Campbell). It was recommended by those Commissioners, and was carefully prepared by that able lawyer Mr. Duval, with the best assistance, so that if any Bill could have been expected to come out as a perfect Registry Bill it was the one now on their Lordships' table. It was first brought before Parliament in 1830 by his noble and learned Friend (Lord Campbell), who was then a Member of the other House, with great support and with every possible reason for passing it if it were a Bill that ought to pass. But it did not pass—it was not proceeded with that Session. It was again introduced by his noble and learned Friend in 1831, and again withdrawn—the table of the House of Commons having, in the meantime, been loaded with petitions against it. It was for the third time brought forward in 1832, when it was referred to a Select Committee; but it was ultimately rejected upon the bringing up of the report of the Committee by a Committee of the whole House—rejected, that was, as soon as it was seriously taken up by the House. In 1833 it was again brought forward in the House of Commons, but not by his noble and learned Friend. On this occasion the Bill again went to a division, and was rejected by a majority of 82 to 69. It was brought before the House of Commons for the fifth time in 1834, and was rejected on the second reading by a majority of 151 to 69. Their Lordships would see, therefore, that there was nothing very surprising in finding that he (Lord St. Leonards), who had always opposed the Bill, should take the present opportunity, which was the first that had presented itself, of stating to their Lordships what the real objections to it, in his apprehension, were.

In 1845 the Bill was introduced into their Lordships' House, but not proceeded with. In 1846 the Committee of their Lordships was appointed to which his noble and learned Friend had referred, for the purpose of inquiring into the Burdens on Land. That Committee came to the conclusion, which he believed to be quite an erroneous one, that the burdens on land would be relieved by a General Registry Bill, and, as its consequence, the simplifying the transfer of property. He believed that, so far from this being the case, the burdens would be greatly increased by such a measure. On the recommendation of that Committee a Bill was introduced into their Lordships' House by his noble and learned Friend (Lord Campbell. That Bill was also dropped, like its predecessors. Then came the recommendation of the measure in the Queen's Speech, after which one would have thought that the noble and learned Lord then on the woolsack (Lord Truro) would have felt it his duty, as the organ of the Government, to introduce a measure on the subject; but the Bill was again introduced by his noble and learned Friend (Lord Campbell), who, though not connected with the Government, undertook to become sponsor for it. After repeated postponements and great consideration, the Bill was referred to a Select Committee, who made a report which, in his opinion, entirely destroyed the effect of the Bill—the Amendments they proposed rendering it quite powerless, leaving all the mischief, and taking away all the benefit. That Bill, also, was ultimately allowed to drop in the other House of Parliament; and now, at the end of twenty-three years, although they had seen that every one of the eight times it had been introduced before, it had broken down, the Bill had been introduced for the ninth time. It was a measure of unspeakable importance, and, if it could be made to work, it ought to succeed; but if it could not work, it would only be a snare, it would only introduce more fraud, and would delude owners of property instead of benefiting them. This was his fixed opinion; but if his noble and learned Friend could show him that the Bill would answer its purpose, and would at the same time effect the security of property, he would readily vote for it.

There were several things in connexion with this measure which were quite certain. In the first place, the expense was certain. That was not at all problematical. In the next place, it was certain it would benefit no man's title who was now living, but it would shortly occur that every man's present title would be held under two systems: some of his deeds would be in his own possession and not registered, and some would be registered, and either out of his possession, or he must, as he probably would, in every case, incur the expense of two title deeds, for it was scarcely likely that any one would place his deeds out of his own control, and where he could never see them without paying. It was equally certain that this Bill, though it had been recommended as a relief to the land, would not save the landed interest the thousandth part of a shilling. It would only transfer the loss from one individual to another. It was fortunate for the landed interest that this Bill had not passed twenty years ago, for it had been clearly shown by the report of the last Commission, that if it had passed, without an accompanying map, it would have been a snare instead of a security to the landowners. It was a well-known fact, that for the last two centuries the most learned persons in the country had desired to have a general register. But this was an argument that cut two ways:—had it not occurred to the noble and learned Lord to consider why the desire of these learned persons had never up to this moment been carried out? It had never been carried out, simply because it had been found impossible to frame a measure that would work well. It had been tried in Yorkshire, in Middlesex, in Ireland, and, in a different shape, in Scotland; it had been tried also in almost all foreign countries, and the result had been failure in every single instance. Scotland stood, however, on different grounds. The arguments of those who supported the measure were mainly these—that it would give safety to purchasers; that it would shorten the transfers of property; that it would prevent fraud; that it would prevent forgery; and, also, what was called "tacking."

He would proceed at once to inquire, would this Bill, or would it not, do what it purported to do—give safety to purchasers? A general register had previously failed of its purpose. Would, then, this Bill execute that in which other Bills had failed? Mr. Duval had done what had not been attempted in the present instance. He had faced the difficulties in such a manner as to endeavour to obviate them, having inserted in the Bill all the different modes in which it was to work. Mr. Duval, in a letter which he had written to him (Lord St. Leonards) upon this subject, about the time of the introduction

of the original Bill, made these observations:—

> "I send you some notes explanatory of the object and effect of the clauses in the Register Bill relating to the mode of registration. If you will take the trouble of reading them, I think you will at least see that very great pains have been taken to render the details as perfect as possible. I know you well enough to be satisfied that you will not form your opinion on the Bill upon any suggestion which may have been made to you as to its complexity. The fact is, that the system is itself extremely simple, and that the apparent complexity of the provisions arises from an attempt on my part to leave as little as possible for future decision; to anticipate and provide for every case which can arise, and to give to the operation of the system every convenience of which it allows. Whatever may be the fate of the measure, I am anxious to have your favourable opinion, above that of any other man, of what I have done, and I know with what facility you will be able to form a just estimate."

The Bills introduced, up to the last one prior to the new Commission being appointed, had all proceeded upon Mr. Duval's plan; and when that Commission was appointed, the learned persons who composed it, after examining with great prudence and intelligence Mr. Duval's plan, made a very elaborate report; and what did their Lordships think, after the lapse of so many years, and the constant repetition of that plan by Mr. Duval, was the conclusion at which the Commissioners arrived? Why, that Mr. Duval's plan had altogether failed, and could not operate for the purpose for which he had intended it. In that report, in point of fact, they condemned by anticipation the very Bill of which his noble and learned Friend upon the woolsack now moved the second reading. They stated, that for a long time the index of names only would be referred to, that there was danger of mistakes or misrepresentations in titles, and that cases of documentary evidence and ignorance of title were not provided for. Over and over again, paying Mr. Duval the highest compliments, which he so richly deserved, still they stated that his plan was open to all those objections. They put also other cases in which, under Mr. Duval's plan, there might be a registry of two distinct and conflicting titles of the same property, so that a man might buy under one registry without having the slightest knowledge brought to him of the other conflicting title. Then, they asked themselves what they were to do? Mr. Duval's plan was good, so far as it went, but it would not work without a map, They said, referring to a particular form of index, that such an index could only be attained through the medium of a map. But, on the other hand, in a supplementary paper, two of the learned Commissioners said—

> "Not only do we consider that the plan of the former Commissioners, with certain modifications, would be far superior, and with the use of private maps, where considered desirable by the parties interested, adequate to all the purposes and requirements of 'an effective system of registration;' but after long and patient investigation, our conviction is that any plan of map indexes, however specious in theory, would, in practice, not only be found wanting in efficiency for many of the important purposes of registration, but in the course of a few years would become productive of serious evils; evils affecting the facility of transfer and the security of titles, and attaching peculiarly to such a plan, and that, instead of diminishing the burdens on land, it would ultimately add materially to them."

They stated that it would cost about 2,000,000*l.* His noble and learned Friend, he believed, estimated it at nearer 3,000,000*l.* Now, he asked their Lordships to look at the difficulties and expense which would attend this system of mapping. Our neighbours, the French, had in the year 1808, for purposes of a fiscal nature, had a map of the whole country constructed. In 1838 they reported that the state of confusion which had arisen upon that map by a lapse of thirty years was so great that a new one would be necessary. They represented that it would cost 200,000,000 francs, and that it would require thirty years to execute. Certainly England and Wales were not the size of France; but their Lordships might imagine, from that statement, how difficult it was to form such a map. Let them take a ride a few miles round London, and see how every field was altered day by day, and almost hour by hour, by the operation of building societies or other agencies. The moment a house was built, or a small portion cut of so as to alter the previously existing boundary, down must go a surveyor to make a survey of that alteration, and to define the new boundaries. So often as that was done there must be new plans, which must be added to the original plan; and not only must there be an enormous staff of engineers, surveyors, and map makers, with a constant expenditure of many thousands a year, but they would, in the course of time, be so overburdened with these maps that that of itself would destroy all the benefit to result from them. It became apparent, then, that the map would introduce vast difficulties and expense, and that without the map the register would be of no value at all. Indexes of names were equally a difficulty. In Middlesex, for instance, there were hundreds of the respectable families of Joneses and Smiths constantly migrating, and of whom it would be impossible to keep any accurate account. The result of the inquiry was, that under the Commission, the Bill was brought in with a map. It was sent to a Select Committee of their Lordships' House, and he believed that upon the Motion of his noble and learned Friend then upon the woolsack, maps were rejected in the Committee.

LORD BROUGHAM: They were not absolutely rejected; we could not get them.

LORD ST. LEONARDS: At all events, the Committee, striking out the maps, substituted this measure: that the registrar should have the authority to furnish maps whenever he thought proper. That provision was struck out in the passage of the Bill through the House. What was it then? It was a measure which the Commissioners, on whose report they had been acting, had told them most distinctly was powerless for the purpose for which it was intended. Was that, then, the Bill which their Lordships were now to be asked to support? If it were, at all events they must not be asked to support it upon the authority of the Commissioners.

He denounced this measure, in the face of the people of England, as one which would produce great delusion, and would afford no assistance in the requisite direction. Although it would bring to the solicitors great profits, yet all the solicitors of England were opposed to it. The present Bill did not tell what was to be the number of registrars, what their salaries were to be, the number of their clerks, or the amount of fees. In the first Bill there were schedules in which these items might be filled up; but by the present Bill the whole of the patronage was in the hands of the Crown or the Lord Chancellor. He wished to impress upon the House that this was not a measure which had been recommended by any Commission. On the contrary, it was opposed to every recommendation of every Commission, and he could not understand the arguments which had been adduced against those recommendations. He apprehended, therefore, that this plan would entirely fail.

The next point was with regard to assisting the transfer of land. He believed there never had been a greater delusion than had existed on this subject. He would take upon himself to say that it would in no manner assist the transfer of land. There were persons who believed that it would shorten abstracts and conveyances. It would do no such thing. He spoke with experience and knowledge upon this matter, the first part of his life having been passed as a conveyancer in considering the validity of titles and answering cases. He had seen, probably more titles in his day than any man living; therefore, while he spoke with humility, he spoke also with experience, and he asserted that the plan proposed would neither shorten the abstract a single word, nor assist the transfer or conveyance. Were abstracts in the counties of York and Middlesex, both which were register counties, shorter than abstracts of title deeds to estates in other counties? It was well known that they were not.

His noble and learned Friend had quoted the numbers of deeds and instruments registered in Yorkshire, but he had forgotten to enumerate the numbers that were not registered. He (Lord St. Leonards) could again speak from experience. He had seen great numbers of titles to estates in the register counties, the muniments of which had not been registered; and in not one of those had there been any suppression of title. Then their Lordships were told that the Bill would provide a place of safe custody for deeds, and it contained a provision compelling every man to bring up his deeds to town and leave them there, the object of this arrangement being to prevent a suppression of deeds. It was said, "Here will be a safe place for a man's deeds," and therefore they proposed to compel every man to bring his deeds up, whether he would or no, to one great building in town, and to give him—what?—why, to make him pay whenever he desired to look at them. But an Englishman liked to have his own sheepskins in his own box. As to the suppression of deeds, he must again refer to experience, and he told their Lordships that he never recollected a single instance of the suppression of a really important deed. He had tried frequently to recollect if such a case had occurred within his experience; and though attorneys might sometimes suppress a deed which they believed to be of no importance, yet he repeated that he never knew a single instance arising of the suppression of an important deed. The Commissioners of 1832 declared that the suppression of deeds was very rare indeed; and the Incorporated Law Society, in their petition against the Bill of 1851, affirmed that nothing was so rare as the suppression of deeds. It was, in fact, the general opinion of the best-informed persons, that though, no doubt, such suppression might take place, it scarcely ever did. He would put it to their Lordships, then, whether they were prepared to saddle the country with a charge of 1,000,000*l.* a year, at the very least, even without maps, merely in order to guard against the contingency of an occasional suppression of a deed? If Parliament would let purchasers alone, they would get on very well without its assistance. Once a man had paid his purchase money, had his conveyance executed, and got his title deeds, he (Lord St. Leonards) would, generally speaking, insure him for 5*s.* against risk of losing his estate by any subsequent Act. But if Parliament passed this Bill, nobody would be secure of his title; and, at the very best, would have to be darting to the registry office on all sorts of occasions to inspect, to enter *caveats*, to withdraw *caveats*, and what not; and, after all, with the full protection purported to be given by these *caveats*, the man of whom you had bought a property might, unless you were very quick indeed, and very fortunate, too, in the registrar and his arrangements, mortgage the very property he had sold to you, and completely oust you. Look at the danger, too, arising from mistakes on the part of the registrars. There was a case in the books of a man named Crompton, who had registered his estate in one of the registered counties; the clerk inadvertently inserted the name as "Compton." Here the mere literal error of a clerk absolutely compromised a man's whole property. How were their Lordships to guard against such errors, such fatal errors? Again, the deeds, when registered, were to be deposited in boxes, accessible to clerks and porters. Now, how many instances had we before us every year, every month, of clerks and porters who had access to valuable deeds and other documents abstracting and selling them for waste paper, to the enormous, to the irreparable, damage of those to whom they belonged? Thus, then, while the Bill purported to guard against evils which might, in point of fact, be said to have no existence; it created dangers of the most serious character, and struck at the very root of every man's title.

One evil he had referred to, the Bill proposed to remedy in a very curious way. In the first Bill on this subject, introduced elsewhere by his noble and learned Friend opposite, it was provided that the registrar should be personally liable for any damage arising to parties from negligence or error on the part of the registrars or their clerks; but in the present measure there was no such liability cast on these officials—an exemption by no means calculated to sharpen their vigilance. If loss should befall any one by the fault of the registry office, indeed, the Bill said that the injured party should have compensation out of the Consolidated Fund—so that, at first sight, it might appear that no one had occasion to apprehend ultimate loss except the Chancellor of the Exchequer, who might from time to time be called upon to refund 50,000*l.* or 60,000*l.* or so, lost to registered persons by the negligence of the registrars. But the Bill, anxious to relieve the mind of the Chancellor of the Exchequer from any such grave fears, conferred on the Registrar General, who was the master of the whole concern, in whom all power was reposed, authority, from time to time, to frame any new regulations and formalities that for any reason might seem to him expedient, and to require from all persons registered strict adherence to those regulations and formalities, in default of which adherence, from whatever cause, parties were to have no claim for compensation for any loss that might befall them from the neglect of the officials. This indirectly took away all chance of compensation.

It was said that the measure was expedient, with a view to the abridging transfers of land; but it was in no degree requisite for that purpose, which might be effectually accomplished without it. He would himself undertake to prepare a conveyance of any noble Lord's whole property within a single sheet of letter paper, as thoroughly effectual to all intents and purposes as though it occupied twenty skins of parchment. But men preferred a settled form, the operation of which was well understood, to any new although a shorter one; and he himself would, if he were to make a purchase, still adopt the common form, although avoiding prolixity. All that was needed, in this respect, was still further to simplify the law of real property. Much had been done in this way within the memory of the present generation, and he did not at all despond as to the effectuation of most of what remained to be done. Suits in equity had been so abridged by the substitution of claims for bills and other provision, that the result, formerly attained only by large outlay, and after long delay, could now be arrived at with little expense, and almost immediately. Legal estates, which could not be got in except at great expense, when outstanding in lunatics, mortgagees, or trustees, would now be readily obtained at little expense. Fines and recoveries had been swept away, and a new scheme substituted, elaborate indeed, but which effectually did away with all the expense of fines and recoveries, and also with all their dangers—dangers which had heretofore involved the utter ruin of scores and scores of important families; the time for barring the title to a property had been limited from sixty to forty years; the barrage of dower on a husband's estate could now, under the new Dower Act, be effected by the mere declaration of the husband, without expense; outstanding terms had been swept away;—and in every direction expenses, difficulties, and delays, had been so obviated, that the outlay of time and money upon conveyances now bore no relation whatever to the former condition of things. Still, more might be accomplished. It was his opinion that the effect of reducing the time for recovering an estate from sixty to forty years was to render it no longer necessary to carry back abstracts of titles for sixty years; but as a tenant for life might live more than forty years, his noble and learned Friend (Lord Lyndhurst) when Chancellor, held that a title must still be made out for sixty years. He hoped still to be able to place this on a better footing. Some desired to have a transfer of land made as simple as a transfer of stock in the funds; but that was impossible:—some expense must be incurred, though the expense need not be so great as was commonly supposed. He could not better illustrate this fact, than with a statement with which he had been favoured by an eminent conveyancer, of the actual expenses recently incurred by a party in the investment of more than 1,000,000*l.* sterling in land. The entire amount of the purchase money was 1,068,421*l.* 19*s.*, which was laid out in the purchase of fifteen estates; and there was beside, included in the bill, the cost of the sale of an estate, for

80,000*l.* How much did their Lordships suppose the bill of the solicitors to have been for the whole of these transactions, including their own payments out of pocket, fees to counsel, payments for stamps—from which, obviously, they derived no advantage, but the precise reverse of advantage — and the charges of other solicitors? Why, the entire bill of the solicitors for this outlay of 1,068,421*l.* 19*s.* upon the purchase of fifteen estates, containing in all 26,286 acres, all charges for counsel's fees, for stamps, but not including *ad valorem* stamps, for payments to other solicitors, and for the sale of an estate for 80,000*l.*, was 3,420*l.* 8*s.* 7*d.*, of which 838*l.* 12*s.* went in counsel's fees, 183*l.* 17*s.* 6*d.* in stamps, and 261*l.* 18*s.* 5*d.* to other solicitors. Let this expense be compared with the common charge for investment of a like sum in the funds. Above all, let it be compared with the enormous and improper charges on sales to purchasers of railway shares. While upon the topic of the expenses of transfer, he wished to observe that it was not only the interests of large proprietors that were menaced by this Bill; by no means. The interests of the humbler classes — of the smaller tradesmen — of operatives — even of labourers—were at stake. Their Lordships had, probably, no idea of the minute purchases of real property that were being constantly made by these classes. There was, for instance, a large number of building societies now in operation, some with a capital approaching half a million sterling, the collective property of thousands of humble men, whose aim was the purchase of a plot of ground and the erection of a house upon it, and whose natural and proper pride, when they should first tread upon the little freehold their industry and their prudence had achieved for them, would be as glowing as that of any of their Lordships in acceding to the broad acres of his ancestors. Their Lordships would scarcely suppose that on the humble acquisitions of these worthy and industrious persons the proposed measure would impose a serious impediment, and inflict a grave loss; yet such would be the case. He held in his hand a letter he had received from a gentleman with whom he was not personally acquainted, Mr. Green, a solicitor at Bury St. Edmunds, whose object was to get him to oppose this measure, and, among other grounds, to show the extent of the hardships which it would inflict on small purchasers. The Commissioners of 1833 admitted that the Bill was not necessary for the safety of small purchasers, but they contended that its provisions must include all assurances, in order to insure a completeness of system. That gentleman said—

> " The counsel and eminent London solicitors, who alone appear to have been consulted on this subject, have little conception of the number and minuteness of the transactions with which the general practitioner is conversant, and of the effect which would be produced by the additional expense and delay of registration. These would not be proportioned to the amount, but would attach themselves without distinction on every transaction. A difference in the rate of registration fees can be a question of only a few shillings ; the real burden lies in those multitudinous details which rest with the solicitor, and which will be exactly as troublesome in the smallest as in the largest transaction. It is important to exhibit the proportion of small and large transactions as ascertained by actual experience. I believe that the business of my firm represents rather a higher proportion than the average business of the kingdom, for, while the great London offices have many larger transactions, the great body of practitioners have fewer transactions above 500*l.* Yet an examination of upwards of 300 conveyances and 450 mortgages transacted by my firm in the last three years exhibits the following percentage proportion :—

	Conveyances.		Mortgages.	
3,000*l.*, and upwards...	3	30	4	26
From 2,000*l.* to 3,000*l.*..	4		2	
From 1,000*l.* to 2,000*l.*..	9		10	
From 500*l.* to 1,000*l.*..	14		10	
From 400*l.* to 500*l.*..	9	70	12	74
From 300*l.* to 400*l.*..	6		12	
From 200*l.* to 300*l.*..	19		11	
From 100*l.* to 200*l.*..	17		13	
Under 100*l.*	19		26	
	100		100	

> It appears, therefore, that of conveyances 70 per cent, and of mortgages 74 per cent, are under 500*l.* I may add that in 40 per cent of the conveyances, and in 98 per cent of the mortgages, we were concerned for both parties. The prevalence of this practice diminishes so much the expense and delay, that the increase of both, resulting from registration, will be out of all proportion to the present amount. In these cases the cost of the conveyances under 500*l.* has been from 2*l.* to 7*l.*, and of mortgages from 1*l.* to 6*l.*, in proportion to the amount, exclusive of stamps. There is nothing in the proposed system of registration which will subtract 1*s.* from these minor conveyances and mortgagees, and every proceeding under it will be an addition of labour and expense. I have carefully computed the expenses which must be incurred on every occasion, and cannot make them less than 5*l.* on every conveyance, and 4*l.* 10*s.* on every mortgage, exclusive of registrar's fees, and assuming that printed forms and every facility will be provided. And in the case of a mortgage there will be at least half the same expense incurred in clearing it from the register on its dis-

charge; and these processes can never be waved, but must invariably be pursued in every transaction, great and small. But the expense, great as it is, will not be the only or even the principal objection. A considerable and indefinite amount of delay must be occasioned. Delay in mortgage transactions is of great moment. Of the 70 per cent of mortgages under 500*l.*, I venture to say that a half were prepared and executed within a week from the application for the money, and many of them on the same day. Equitable mortgages or memoranda with deposits of title deeds are invariably completed on the same day, and are commonly managed by bankers in the country, without the interposition of a solicitor. This would now be impossible. In the cases of mortgages and conveyances in general, the time occupied in searches and subsequent registration of the deed cannot be much less than fourteen days."

That paper showed not only that transfers of small properties were made for very small sums, but that registration would be an additional expense, would give no benefit in return for the injury it would inflict upon these small purchasers, and would create delay, which in most cases would be a serious evil. A system of registration would lead to the necessity of searches, of going to register sales, mortgages, and the subsequent discharge of them, *caveats*, and inhibitions—all of which would cause expense, and, as they would depend upon the attorney, he must come to town to see after these transactions.

There was a strange anomaly in the proposed measure. His noble and learned Friend had found it necessary to make a provision for putting on the register the title of a person who was a trustee, and allowing a reference to some document without going into the trusts, and then, said his noble and learned Friend, any one might safely buy from that person, although it was known he was a trustee. But was not that trusting to a title that was not on the register? The owner of the property might place confidence in the trustee; but the trustee, by mortgaging or selling the estate, might beggar him and his family, and it would then be said that it was his own fault for trusting the man and not the register. Why should they not guard themselves by the register as to that other document? Were they to have a general register at a cost of 1,000,000*l.* a year in order to place on the register, not the real title, but the legal transfer, keeping the former off it? The person whose name was on the register might sell the property; but, said his noble and learned Friend, a party interested in the property might prevent a sale by putting on the register an inhibition. In many cases a Chancery suit would follow; but a simple injunction would not do, and by this Bill he would be deprived of the protection which the law now afforded. A party would say, "I have trusted this man, thinking he was an honest man, and he has sold my estate." The answer would be, "You must have been a blockhead to put your estate in his hands." That showed the weakness of the system.

But he was now approaching a very important part of the subject. His noble and learned Friend proposed that, in order to make this system work, they must do away with notice. Now, the object of a general registration was to communicate knowledge—to give to the party going to advance money on mortgage or to purchase an estate notice of deeds previously executed relating to the same property. A court of equity said, "If you know of a transaction, although the deed is not registered, you shall be bound by it;" but by this Bill, although knowledge of a previous purchase might be brought home to the mortgagee, the purchase deed not being registered, the mortgage could be enforced. Put a common case. A man bought an estate and paid for it—was in possession—his title made out, but his purchase deed was not registered. The seller representing himself as still the owner, although he had sold the estate, sells or mortgages it to another. If the person with whom he was dealing happened to know that he had already sold it, what did the court of equity do? What it was right to do. It said that the party having that notice should be bound by it, although the former deed was not registered; and he could not recover against the purchaser of the property. The highest authorities were in favour of retaining that practice. It was sometimes argued that in the interpretation of constructive notice, equity went too far—and that might be correct. But the moment that equity did that which their Lordships and the House of Commons were now called upon to do, the court would cease to be a court of equity, and would be stamped with iniquity. The same injustice would apply even to persons who had attempted to register. He had known several instances in which clerks who had been sent to register deeds had neglected to do so, and the charges for registration had been made out against the party interested, although his deeds were not registered at all. But, under this Bill, that party would be bound, and might lose his estate, and unless he registered his deeds himself, or saw them registered, he could never be sure that another party could not come behind his back and take away his property. Upon this doctrine of notice it was said the majority of the Commissioners were in favour of doing away with notice. But he held in his hand the heads of a Bill—Mr. Duval's Bill—which was brought into the House of Commons by his noble and learned Friend (Lord Campbell) in 1830, and, in a letter addressed to him by Mr. Duval on the subject of the Bill, Mr. Duval said—

> "I send you a printed copy of the Registration Bill. Upon the clause, p. 31, as to notice, and the proviso, p. 24, which you will find struck out, the Commissioners are equally divided. The consequence is, that as this provision is not authorised by the report, it will not be included in the Bill as brought in by Campbell. Sanders, Tinney, Brodie, and myself are in favour of the clause, and Bell has written a long paper on the same side, which is in the appendix to the Report; and I send you a copy of a letter he wrote to me a day or two ago, which, in substance, proposes what I had inserted in the Bill, and is now struck out. My own impression is, that the provision saving the jurisdiction of equity in cases of actual notice is highly important."

The clause to which Mr. Duval referred did away with notice; but then Mr. Duval added this proviso:—

> "Provided always that this present provision shall be without prejudice to the provision hereinafter contained for preserving the jurisdiction of courts of equity in cases of fraud."

And by another clause in the Act it was provided—

> "That this Act shall not prejudice the jurisdiction of courts of equity in cases of fraud; and that the provisions hereinbefore contained for giving priority to subsequent assurances registered in the manner required by this Act, notwithstanding notice of a prior assurance, or proceeding, or act, or matter, and for protecting assurances executed during the pendency of suits in equity, shall not be construed to enact or declare or imply that actual notice at the time of making any assurance by this Act authorised to be registered, either to the party to or in whose favour such assurance shall be made, or his attorney or agent, of any such prior assurance, or proceeding, or act, or matter as aforesaid, or of the pendency of any such suit as aforesaid, or of the presenting of any petition of appeal or rehearing in any such suit, shall not be considered or be made use of as evidence of fraud in such party, or his attorney or agent."

By that Bill, then, Mr. Duval provided that direct notice should be binding upon a party, and that he should not be allowed, as the Bill now before their Lordships proposed, to defraud the person to whom the property was sold, and who had paid his money. On the 30th of March, 1834, Mr. Duval wrote again to him, saying—

> "There is one point upon which I think I have made some communications to you before. It is my clear opinion that equity must retain its jurisdiction in cases of fraud. The former Bill had such a provision, which I introduced, instead of leaving the party to bring an action, and I never had a doubt of such a clause being ultimately inserted in the Bill."

The Commissioners, then, were equally divided upon the point; and up to the last moment Mr. Duval was of opinion, as he (Lord St. Leonards) was, and always should remain, that direct notice should be binding upon a party. The object of registration was to give notice. If a man had notice it would be the most inequitable of all transactions to say it should not be binding.

It was very tedious to go through all the points of the subject, but it was most important that their Lordships should be made acquainted with them. Now, there was a vast number of deeds that were never put upon the register in the register counties. In the first place, there was the expense of the register itself. A statement, which he thought entitled to great attention, was issued against the Bill of 1851 by the Incorporated Law Society, in which that body informed their Lordships and the other House of Parliament that the number of instruments to be registered in a year amounted to not less than 300,000, or about 1,000 a day. His noble and learned Friend seemed to forget that the parties in every case must go into an examination of the deeds—for no man would buy an estate without seeing the deeds; persons would constantly be making searches; a considerable number of attorneys would be continually occupied in examining deeds, or entering *caveats*, or entering discharges of mortgages: scores of clerks would be running about in every direction;—and taking into account the number of persons who would be engaged in the transaction of the business to be carried on, it would be found that an enormous deal of room would be necessary for the accommodation of the department. He would take off one-third from the estimate of the number of deeds to be annually registered, and assuming the deeds at 200,000 yearly, and the expense upon an average *5l.* each (and he was perfectly satisfied that he understated the case), the expense would be not less than 1,000,000*l.* a year; and if the system were to be set going, 2,000,000*l.* or 3,000,000*l.* would be wanted to start with. They were told that the object of the Bill was to relieve the burdens on land; but he contended that the effect of establishing the proposed system of registration would be, without conferring any corresponding benefit on the public, to increase their burdens to an enormous extent; and if the Bill had been entitled "a Bill to increase the Burdens on Land without any corresponding Benefit," it would have been a more accurate description of its practical effect. If there had been complaints the other day against a house tax, how would the people be content with a registry tax that would exceed the house tax in the severity with which it would press on the country? There was no man who would have been subjected to the house tax, who might not come within the incidence of this tax—he could not escape from it. On the ground, then, of the enormous expense which this Bill would involve, he objected to it.

The Bill had been entitled "A Bill for the Registration of Assurances in England and Wales." If he met anything like a mistake he was not in the habit of supposing it a mistake, but he was more in the habit of supposing that he had himself made a mistake—but a provision extending the operation of the Bill to Wales he could not find. Their Lordships had formerly sent down to the other House a Bill for the registration of assurances in England and Wales; but now the noble and learned Lord had cut out Wales. Why should Wales be omitted? [Lord CAMPBELL said, he would show that Wales was comprehended.] The noble and learned Lord was entitled, then, to great credit for the way in which Wales was introduced into the Bill without seeming to intend it. If the Bill was a Bill for England and Wales before, and did apply to Wales, why were words applying it to Wales now cut out? If the system could be shown to work, he should support it with all his heart. A system of registration ought to be domestic and local; it ought not to be, like that which was now proposed, centralised. The present measure sinned against all sound principle.

There was only one other case to which he would refer for the purpose of illustrating what would be the operation of the Bill, and that was forgery. It was said the object of a general registry was to prevent forgery. So far from preventing forgery, this Bill would assist forgery. Hitherto the form had been one that gave validity to the deed executed. The memorial had been required to be attested by one of the witnesses who had attested the deed itself. In this Bill that requirement was dispensed with; there was no certainty that the deed registered was a real deed; it might be a forged deed, but as a matter of course it was registered, whether forged or not. In those cases in which forgeries had been committed, he regretted to say that they had been committed by the agents and solicitors who had a man's deeds using his deeds without his knowledge, forging his name, and thus executing mortgages on his estate, which remained for years undiscovered; it could never be known from the register, unless there were other transactions. The deeds being on the registry would give no notice to the man whose name was forged, but their being on the registry would give a seeming validity to the transaction, which otherwise it would not have. The Bill, therefore, instead of being a protection against forgery, would greatly add to the facilities for forgery.

There was another point to which he wished to call their Lordships' attention in regard to the bearing of this measure on the transactions of private life. The Bill called on persons to give the date, the names of the parties, and the effect of the conveyance; and if any one required to know the nature of the deed, it must be produced. The Committee of 1832 thought it right that men should be compelled to disclose all the circumstances of their title. Times were very much changed. There was a time when Judges would not allow a man to produce his title. An anecdote was told of Lord Kenyon, that when a man had brought his deeds into court, he was told by that learned Judge to sit on the box which contained them, and to let no man see his title. No man ought to be called upon to disclose the titles to his property, except in case of absolute necessity. This Bill, too, would enable money lenders to discover the interests of improvident young men under family settlements. Many a man had been saved because he could not show, during his father's lifetime, what his interest was in the family property.

Without trespassing further on the attention of their Lordships, he should say, in conclusion, that he ought to apologise for having occupied so much of their time; but the subject was one of great importance, and this was the first opportunity on which the objections he had to the measure could have been stated. He hoped the remarks he had made would be received in the spirit in which they were tendered. The measure had been introduced by one for whose memory he entertained the highest respect, and was advocated by many persons to whose opinions he attached great weight; but after the experience of a great many years in those particular departments to which the Bill had relation, he should say it was because of the responsibility which, under these circumstances, attached to him, that he had felt it his duty to state fully his opinion of the Bill.

Amendment moved, "That the Bill be read a Second Time that day Six Months."

LORD CAMPBELL said, he rose to address their Lordships under circumstances of great discouragement. His noble and learned Friend had occupied the House so long, that it was now but thinly attended—not from any fault of his noble and learned Friend, but from the nature of the subject. However, he was much comforted by thinking that the Bill was safe. On the side on which his noble and learned Friend sat, only half-a-dozen Peers could be counted. His noble and learned Friend had forgot to make his Motion, that the Bill be read a second time that day six months; but he (Lord Campbell) presumed that their Lordships must hold that Motion as having been made; and he presumed that his noble and learned Friend was prepared to walk out in support of that Motion; but he thought his noble and learned Friend would not have a very numerous following. On the whole, he (Lord Campbell) was sanguine that their Lordships would go into Committee on the Bill, for which the points brought forward by his noble and learned Friend seemed much fitter than for this debate on the principle. He wished to address himself to one or two points on which his noble and learned Friend had touched. He should begin by relieving his noble Friend from anxiety on the subject of Wales. He would assure his noble and learned Friend that he had found a mare's nest; and unless his other arguments against the Bill were sounder than this on which he had placed such reliance, his objections would vanish into thin air. Considering the great learning of his noble and learned Friend, he thought that he must have been aware that Wales, being under obedience to the Crown of England, was by the common law part of England; but, still more, one would have thought his noble and learned Friend must have been aware that to remove all doubt and ambiguity there had been a Declaratory Act, which was the 20th George II., c. 42. [Lord ST. LEONARDS rose, as about to offer an explanation]— "Don't now; it is not proper." He thought his noble and learned Friend would have been obliged to him for the information he had communicated; and when his noble and learned Friend had resumed his seat, as regularity required, he should show that it was enacted—not enacted, but declared—by the first section of the Act already mentioned, that in all cases where the Kingdom of England, or that part of Great Britain called England, had been or should be mentioned in any Act of Parliament, the same had been and should be deemed and taken to comprehend and include the dominion of Wales and the town of Berwick-upon-Tweed—which he hoped accordingly would shortly have the benefit of enjoying this Bill as part of the law of England. Notwithstanding that slip of his noble and learned Friend, he (Lord Campbell) had the greatest respect for him as a lawyer and a Judge. He was a consummate master of his art. If he (Lord Campbell) had a title to an estate to settle, he should with eagerness have sought his noble and learned Friend's opinion; if he had a dispute in a court of equity on the construction of a deed, he should have desired to have his noble and learned Friend for counsel; and when his noble and learned Friend was elevated to the Bench, there was no one before whom, if he (Lord Campbell) had a cause for trial, he should have been been more willing that it should come. But he believed his noble and learned Friend had a horror of legislation on this subject, which blinded his judgment and made him forget many things he had learned. He said he wished the Bill thrown out on the second reading; but if he consented to its going before a Select Committee, efforts might there be made to amend it, and there was hardly an objection he had made which might not be removed in Committee. But no; he was determined at once that the Bill should be thrown out on the second reading—that very Bill which their Lordships passed in 1851, *nemine contradidente;* when the Motion was put, "That this Bill do pass," not a single "not content" was pronounced. But his noble and learned Friend relied on the speech he had made that night to change the opinions of all who heard him, and bring about a complete revolution of public sentiment. He was under a misapprehension in supposing that there was any novelty in what their Lordships had heard that night. It was a most able statement, but it was all old. Lord St. Leonards was not a Member of the House of Commons, but Sir Edward Sugden was a Member of the House of Commons. He had various opportunities of opposing the measure when formerly introduced; and he copiously availed himself of those opportunities, or he (Lord Campbell) was mistaken. Again, the noble and learned Lord published a most able pamphlet in 1830 or 1831, which was very generally circulated; but lest it should not have due justice done to it, his noble and learned Friend republished it again, and again, and again. In the *Law of Vendors and Purchasers* that pamphlet was incorporated, and was always bound up with it, so that all who wished to have the benefit of the *Law of Vendors and Purchasers* were compelled to have the benefit of the pamphlet against registration. The noble and learned Lord had also more recently republished the same pamphlet under the title of *Shall we Register or Not?* That pamphlet was circulated among their Lordships, and it was by no means unknown to them when their Lordships unanimously passed the same Bill as that which his noble and learned Friend now so strongly opposed. After their Lordships had been pleased on a former occasion unanimously to pass the Bill, his noble and learned Friend was rather sanguine in his expectation that their Lordships would throw out this Bill on the second reading. There was a considerable number of topics to which his noble and learned Friend had adverted which might have been better reserved for the Committee; but there were some which he (Lord Campbell) felt it to be his duty now to remark on. His noble and learned Friend had declared that he was a friend to registration in the abstract; but if that were so, why did he oppose this Bill, which might be moulded in Committee into any shape he pleased? He (Lord Campbell) was afraid his noble and learned Friend was by no means a warm friend to registration, because, if registration was liable to some of the objections he had taken, they were fundamental and irremediable. The noble and learned Lord had stated, that all systems of registration which had been attempted had been failures. He (Lord Campbell) must take upon himself to give a totally different opinion, for he believed that in every country where registration had been attempted, it had had success, more or less. In Scotland there had been a registry for two centuries; and he believed the Scotch would sooner surrender almost any of their institutions, of which they were so proud. It had been found most useful, too, in Ireland, and in the Colonies, and on the Continent. If it was not found beneficial, would it not have been abolished? But it had never been renounced by any country which had adopted it. Then, as to the expense of the present system, the noble and learned Lord urged that the expense of a conveyance without registration was not so very great, as was supposed, and he brought an instance which he cited in all his pamphlets, where 1,000,000*l.* was laid out at an expense of only 3,000*l.* But was that a fair criterion of the general expense incurred in the transfer of land? His noble and learned Friend knew that it was not. The 1,000,000*l.* was laid out chiefly in a few large purchases — one of nearly 500,000*l.* What would have been the expense if there had been some hundreds of purchases? The noble and learned Lord said, that at present there was little concealment of deeds. He (Lord Campbell) believed there was no great insecurity with regard to purchases, just because of the enormous expense incurred in inquiries before completing the purchase. But, with all the expense, he would ask, with regard to mortgages, if there were not many instances under the present system in which mortgagees had been defrauded by deeds being suppressed? Our equity reports swarmed with cases upon that subject; and it was to guard purchasers against the frauds incident to the present system that his noble and learned Friend had published the very profound treatise he had formerly referred to, consisting of three bulky volumes, from which, however, no line could be spared, except perhaps the chapter against a general registration. Considering, then, the insecurity and the great expense of the present system, he would ask if it was not desirable that they should adopt the plan propounded in this Bill, by which they would know at a glance every deed which could possibly affect the land they meant to purchase? His noble and learned Friend, indeed, allowed that such a system would be beneficial in itself; that he was a friend to registration in the abstract, and that it must be an immense advantage to have absolute security; and therefore he would proceed to notice the objections which his noble and learned Friend brought forward to counterbalance the benefit. But before doing so, he must refer to what had been stated respecting maps in the Bill of 1851. He believed that his noble and learned Friend was under a great mistake in stating that the Commission which recommended the measure declared that it could not be carried out without a series of maps, and had denounced Mr. Duval's measure as mischievous and impracticable. On this subject he would refer to his noble Friend on the lower bench (Lord Beaumont), who had been very active in that Commission, and who, he had no doubt, would confirm his statement, that that was not the opinion of the Commissioners; that they were of opinion that maps would be an advantage—and that was his (Lord Campbell's) opinion—but that they were by no means of opinion that maps were indispensable. The best proof of that was, that afterwards, when maps were struck out in Committee, both Lord Langdale and the noble Lord (Lord Beaumont), with the concurrence of all the Commissioners, thought the Bill ought to pass. Not one of the Commissioners expressed his dissent from that; so that this Bill now before the House was substantially the same measure as that which was unanimously recommended by Mr. Duval and the first Commission, and must be considered as having the recommendation of Lord Langdale and all the members of the second Commission. But to proceed with the objections that had been made. His noble and learned Friend dwelt chiefly upon the expense. Now, if the system of registration was so advisable, and was calculated to produce the benefits expected, the expense (even if likely to be much greater) could never be considered a formidable obstacle. But the first Commission took infinite pains upon that subject, and came to the conclusion that for 20,000*l.* a fire-proof building of brick, mortar, and iron might be constructed that would hold all the deeds of England and Wales for sixty years to come; and perhaps at the end of a century there might be no objection to a grand *auto da fé*, and deeds no longer useful might be consigned to a great bonfire. The Commission had also calculated the expense of the establishment, and they found that, for 20,000*l.* a year, officers of sufficient number and competency might be engaged for the service required. What reason was there to suppose that that would be a burden upon the public which the public could not and would not easily bear? But the truth was, this would be a self-supporting institution, and, with very moderate fees, there would be an ample fund to pay all the expense, and the Chancellor of the Exchequer would be no loser by it. But his noble and learned Friend had over and over again, in his pamphlet, held up the danger of a new tax upon land as the great bugbear. He said it would open to a "legitimate" Government—that was, he supposed, a Protectionist Government—a fine field for taxation; and to an illegitimate Government—that was, he supposed, a Liberal Government—one for confiscation. The present Government was to confiscate where the late Government was to tax. But his noble and learned Friend was not content with that, for he went on to say that the Crown would have easy access to the documents of individuals whose estates it wished to confiscate. So they were to suppose that Her Majesty Queen Victoria would endeavour to lay hold of the estates of Her subjects, making use, he fancied, of the Attorney General or of the Lord Chancellor for that purpose. But his noble and learned Friend had very lately been the Keeper of the Queen's conscience, and he was sure that he would never have advised such a course to be taken; and if not, he might have equal confidence in the noble and learned Lord who sat at present on the woolsack. His noble and learned Friend then said that this Bill would cause a serious expense to small purchasers. He was ready to admit that that was a matter for serious consideration. Upon large purchases there must be a great benefit to purchaser and seller, because as it would supersede the search for deeds, the land would bear a higher price. The noble and learned Lord seemed to think it would not be a gain to the landed interest, but only a transfer of loss from one to another; but in truth it would prevent loss altogether. At present there was in every transaction a loss on both sides. Though the expenses of the transfer fell upon the purchaser, they were deducted by him from the purchase-money; he gave so much the less for the property. So with regard to mortgages under the present system, the burden upon the landed interest was enormous. If 500*l.* was required to be raised on land, the whole title deeds of a large estate were required to be ransacked, and in that way the expense of the mortgage bore a large proportion to the sum that was borrowed. A landowner would pay 6 or 7 per cent for money while the market price was only 5 per cent, and a fall in the rate of interest was no relief to him, because if he attempted to borrow the money at the lower rate of interest, or to transfer the mortgage, all the title deeds must be again ransacked by the conveyancer, and there would be all the costs to pay over again. To large estates, therefore, there could be no doubt the proposed system would be a benefit. It was true, however, that in small transactions even 5*l.* might be a heavy charge; but he (Lord Campbell) was most sanguine in the belief that in Committee a scheme might be devised whereby the expense upon small purchases might be made altogether insensible. His noble and learned Friend relied much on the new risk that would arise from a system of general registration, and he had stated to-night what he stated before in his pamphlet — the case where the word "Compton" was written instead of "Crompton." But in order that this mistake should be productive of mischief, it was necessary that there should be a combination of mistake on the part of the registrar, and of fraud on the part of the vendor with respect to the same land; and it was almost impossible that such a conjunction should occur. At the present moment, all officers in the register counties of England, and in Edinburgh, and in Dublin, were liable to an action if they committed a mistake by which any person suffered; and there was no instance, he believed, of such an action having ever been brought. The remedy given by this Bill against the Consolidated Fund he considered to be merely for tranquillising unnecessary fears; and the Chancellor of the Exchequer need be under no apprehension that his budget would be at all affected by that clause in the Bill, for the probability of such an action being brought —and successfully brought—was infinitesimally small. Besides, there would be a remedy against those whose fault caused the loss; they would give security for the due execution of their duty, and they and their sureties would be liable to be sued for neglect. [Lord ST. LEONARDS: Is that in the Bill?] A clause to that effect would be proposed in Committee. His noble and learned Friend had dwelt at great length upon the inconvenience that would arise from disclosures. Now, he had first to state that disclosures would not necessarily arise under this Bill; and next, that he did not agree with his noble and learned Friend as to the evil that was to be apprehended from disclosures. In the first place, disclosures might, if it was so desired, be prevented. Trusts need not be registered, though the fee simple title was registered. That was the course with regard to stock at the Bank. Or there might be a certificate required to show that the party who wished to inspect had an interest. But he (Lord Campbell) believed that disclosure would prevent fraud and false credit, and would be a benefit. He could appeal to his noble Friend the President of the Council whether, on a subject on which he was well versed—he meant the shipping interest—whether there was not a register of every ship, with its owner, and every mortgage upon it? Was that an evil? No; on the contrary, merchants and bankers had no difficulty in dealing with shipowners, because the disclosures on the register prevented all fraud or false credit. So with regard to wills. It was well known that at Doctors' Commons for the sum of one shilling sterling any one might see the wills of all the eminent men who had died in England, and, till lately, of Napoleon himself; and he had never heard the slightest complaint on the ground of disclosure. There was another objection which had been frequently made; but as his noble and learned Friend did not refer to it he supposed he might now understand that it was no longer persisted in—that it would interfere with equitable mortgages, and affect the facility of raising money on a sudden by deposit of deeds. His noble and learned Friend did not rely upon that, because it was not tenable. The Bill would be found to give much greater facility than ever to equitable mortgages. His noble and learned Friend knew that even the deposit of the deeds in the case of a mortgage was a very slender security, because they could never be sure that they had got the whole of them; there had been instances of fraudulent persons parcelling out their deeds, and so borrowing several sums of money on the same property to thrice its value. Now, by a clause in the present Bill such frauds would be effectually prevented, and any person in possession of property would be able to raise money upon it with much greater facility; the lender would be perfectly secure, and would therefore lend on more moderate terms. But then his noble and learned Friend said that the persons in possession of property would derive no advantage from the rigistration in point of security. Now, it was true that the registration would not cure a bad title; that was not the object of registration. It was meant as a security against fraud, and at the end of twenty or thirty years the security would be complete, because once a registry was made, no subsequent unregistered instrument could affect the property. His noble and learned Friend had said that they ought to be governed by the opinions of the solicitors. Now, he (Lord Campbell) entirely agreed with his noble and learned Friend that the solicitors were a most respectable body of men; but there existed amongst them a strong *esprit de corps.* The country solicitors of England were by far the most powerful and influential body in the community, possessing great influence both in the lower House of Parliament and also in their Lordships' House, by means of their advice to those whose affairs they managed. He might mention as an historical fact that he once had the honour of sitting on a Committee on copyhold tenure with the late Sir Robert Peel, where that distinguished man had shown himself a zealous reformer, as he was in every branch of the law. He was anxious for the enfranchisement of copyholds, and the Committee were unanimously of the same opinion with him; but as he (Lord Campbell) was walking away from the Committee with him one day, Sir Robert Peel said to him, "We shall pass this Bill in the Commons, but you will have great difficulty in getting it through the Lords, for the Lords are generally under the dominion of their stewards." He (Lord Campbell) rejoiced that their Lordships were now emancipated. He might remind their Lordships that in the reign of Charles II. there had been a great depression of real property; rents had fallen to a low point, and the depression had been supposed to arise from free trade. A Committee of their Lordships had sat to consider what ought to be done to remedy the evil, and that Committee had proposed two things: the one was a registration of deeds, and the other was a Bill to prohibit the importation of Irish cattle. The latter passed, but the sons of Uriah were too strong against the former; and John Evelyn, a distinguished country gentleman, the author of *Sylva,* spoke of the lawyers and attorneys who sat in Parliament as locusts, who sought for means by which suits and frauds might prosper, and never would tolerate a general register of deeds. It had been said that the proposed measure would bring all the business to London; and he had no doubt that consideration had operated, along with public spirit, in making country attorneys such enemies of the Bill. It was quite true, as had been stated, that the first act of the reformed Parliament had been to reject a Bill for the registration of deeds. That was a very inauspicious commencement of a career of reform; but he (Lord Campbell) believed that the circumstance was entirely owing to the influence exercised upon the House of Commons by the country solicitors. That influence, however, had declined, was declining, and he hoped might be extinguished, and in that House certainly it had entirely disappeared. With regard to the question of notice, no reliance could be placed upon deeds that were registered if any unregistered deed might be produced, and persons brought forward to swear that, at some previous time, a man's attorney, solicitor, or counsel, had the means of knowing its contents. His noble and learned Friend (Lord St. Leonards) had objected to this Bill, on the ground that it was a centralising measure. Well, let the noble and learned Lord propose in Committee—and he was sure any proposal made by the noble and learned Lord would be received most respectfully—that there should be a registry in every county, or in every electoral division, or in every Poor Law union, or in any other division of the country he chose. He (Lord Campbell) certainly considered that a metropolitan registration would be the most beneficial and the most economical. There would be infinitely less inconvenience in having one metropolitan registry than in having registries in small districts, because now England and Wales might be regarded as one great city, travelling between London and Northumberland or Cornwall being now far more rapid than it formerly was between Bedford or Warwick and the metropolis. It must be remembered that if the registries were multiplied, they would have no uniformity of plan, and the difficulty of carrying out the measure would be very materially increased. Another objection upon which great reliance had been placed was, that although registration might have been an excellent thing some 20 years ago, the time for it had gone by. He thought there never was such nonsense written or spoken. Whatever improvements they might have, none could be regarded as substitutes for registration. In fact, registration, as the Real Property Commissioners had said, was the foundation and the commencement of all improvement. The object of registration was to put upon record all the deeds that affected real property, so that they might be seen at a glance. Even if deeds were shortened, so that upon a sheet of paper not larger than the palm of a man's hand a conveyance might be drawn that would pass all the estates of their Lordships who were great landed proprietors, that would not get rid of the necessity of registration; for two of those short deeds might be in existence, and a deed might be suppressed which, on production, being a prior deed, would carry the property. He sincerely wished that his noble and learned Friend (Lord St. Leonards) would address his great abilities to frame a precedent for such short deeds as he had mentioned, so that every conveyance might be ingrossed upon a sheet of note-paper. Although there was the potentality of such a conveyance, he was afraid his noble and learned Friend, when a conveyancer, followed the tautological system; but why should that system be persisted in? If a little bit of paper a few inches square was enough for a conveyance, why should many skins of parchment be consumed? There was no one whose authority on such subject was at all to be compared with that of the noble and learned Lord; and if he were to prepare forms of short conveyances, he (Lord Campbell) was satisfied that, if it were necessary, an Act of Parliament would be passed for enforcing them. He believed there was no department of the law in which his noble and learned Friend might more usefully exert his transcendent talents. Let their Lordships reflect how such a change would facilitate registration. What an easy thing it would be to register these deeds of only four inches square! Why, they would not then want a great building as a registry. Sir Charles Wetherell, who opposed registration, used to talk of the "great mausoleum" in which the deeds were to be buried; but with the newly-invented deeds of his noble and learned Friend—for which, among other things his name would be handed down to a grateful posterity—there would be no occasion for such a structure, for a thousand such deeds might be contained in a tea-chest. He hoped, notwithstanding the Motion with which his noble and learned Friend was supposed to have concluded his speech, that he would not divide the House, for he (Lord Campbell) was most anxious that the Bill should now be read a second time. The measure had been approved, after great deliberation, not only by law Lords, but by lay Lords—and it was a matter upon which lay Lords were quite as well qualified to judge as law Lords, because they felt the disadvantages of the present system, and were interested in seeking a remedy. During the sitting of the Committee on this subject in 1851 there was a very numerous attendance of lay Lords, including many eminent Protectionist Peers, and not one single division took place. The only point which was seriously debated was the adoption of maps. That question, he believed, was debated for two days, and the Committee eventually came to the conclusion that, although the map system was desirable, it was at present unattainable, and that the best course would be to proceed at once without maps. He (Lord Campbell) had been very much gratified to hear the compliment which his noble and learned Friend had paid to the Real Property Commissioners for the Bills which they had prepared, and which were brought in by himself (Lord Campbell). The noble and learned Lord now highly eulogised those Bills, and told their Lordships they were hardly aware of the great benefits which such measures conferred upon the country. The time was, however, when the noble and learned Lord looked upon these measures with very considerable alarm, and dreaded the most disastrous effects from them. He (Lord Campbell) could assure the noble and learned Lord that his alarm was equally unfounded if he apprehended any mischief from the Registration Bill. He regarded that noble and learned Lord with the greatest respect, and hoped he (Lord Campbell) might live to see the day when the noble and learned Lord would in his place in that House proclaim the great advantages which had resulted from the adoption of a measure for establishing a general registry of deeds in England and Wales.

LORD BEAUMONT wished to say a few words in explanation of the conduct of the second Commission which sat on this subject, and which had been represented with more ingenuity than correctness by the noble and learned Lord (Lord St. Leonards). The noble and learned Lord had said that the majority of the second Commissioners condemned the scheme suggested by the first Commission. That was not the case. When the subject was referred to the second Commission, they felt it their duty to examine into the matter with the utmost diligence, notwithstanding the previous labours and able report of the former Commission. They consequently went over the whole subject again, and they occupied several years in so doing. They examined various plans of registration which were submitted to them, and after sifting them most carefully they came to the conclusion that Mr. Duval's plan was the best. The Commissioners said, however, that there were defects in the plan, and the noble and learned Lord therefore concluded that the entire scheme had been rejected by them. So far from this being the case, they took Mr. Duval's plan as the groundwork of their proposition, and only sought to correct or remedy those defects which had struck them, and which Mr. Duval himself had pointed out. In fact, the Commission, when examining the plans, found Mr. Duval's to be the best, and they considered that it was perfect in every respect, except with regard to the index. There was no fault to be found with the plan when once the title was on the index, but there was always a difficulty in getting the title upon the index. Mr. Duval was therefore obliged to suggest an index of the names of the grantors. But up to this period they found strong objections to the index of names. The Commissioners therefore thought how they could remedy the evil, and in searching for a remedy they discovered that the difficulty might be got over by using a general map as an index. The majority of the Commissioners immediately adopted that plan, not only because it got over the difficulty which had been suggested to Mr. Duval's plan of an index of names, but because it was in itself the best kind of index, inasmuch as it at once connected the land with the title in the clearest and simplest manner. However, on examining this portion of the subject further, a difference of opinion, as was well known, arose among the Commissioners, two of whom seriously objected to the system of maps, because there were not then in existence any maps sufficient for the purpose. The majority of the Commissioners, however, still adhered to their opinion in favour of the plan of an index by means of a map, and a Bill was accordingly introduced in that form. It was referred to a Select Committee, and in that Committee everybody was agreed that an index by a general map, if it could be obtained, was the best plan that could possibly be adopted; but, unfortunately, there were no maps that would serve the purpose, and in consequence of this difficulty they were again obliged to seek some other device by which the object could be obtained. They came again to the index by names, the objections to which were removed by adopting a suggestion that was made by Mr. Humphreys, and recommended by Mr. Bellenden Ker and other active members of the second Commission, namely, to divide the index of names into a number of small districts, so that it should not be probable that there would be many John Joneses or persons of the same name in any one district. At last the Commissioners arrived at a plan without maps, which overcame every difficulty, or at least which overcame every difficulty which had been suggested to the plan of Mr. Duval. When this last perfectionment of the Bill had taken place, all the members of the second Commission, as well as the members of the Select Committee, were agreed upon it, and the Bill was adopted by them unanimously. After the able speech which had just been delivered by his noble and learned Friend (Lord Campbell), which he maintained had overthrown all the objections of the noble and learned Lord opposite (Lord St. Leonards), he would not presume to detain the House at any length on the general question; but he must be allowed to say that, while he had heard the noble and learned Lord opposite with pain in so far as he had opposed the measure, he had heard him with pleasure, inasmuch as he was now convinced that the noble and learned Lord had said all that could be said against the measure. After hearing so able an opponent of the measure as the noble and learned Lord, he was now persuaded that there was no solid argument and no real objection to the Bill. He begged only to add, that for himself, he was convinced that one register office in London for the whole country would be the best for all parties concerned, both as regarded uniformity and economy; but he knew that immense objections would be raised to that proposal in Yorkshire and elsewhere, and, having weighed the matter seriously, he had arrived at the conclusion that if it came to be a question of having no Bill, or a Bill with England and Wales divided into four or five provinces, with a register in each province, he would waive his opinion in favour of centralisation, and adopt the Bill in the latter form.

LORD ST. LEONARDS said, that in the then thin state of the House, he should not press his Amendment.

LORD BROUGHAM begged just to say before the question was put, that he entirely and heartily approved of the present, as he had done of the former, Bills on the same subject. He confessed that, like the Commissioners and like his noble and learned Friend (Lord Campbell), he should have preferred a plan with maps, but in the Committee they were satisfied that that was impossible. He thought himself authorised to add on the part of his noble and learned Friend (Lord Lyndhurst), who had left the House, that he took the same view as he did as to the impossibility of throwing out the Bill on the second reading, and as to the absolute necessity of going into Committee upon it.

On Question, *Resolved* in the *Affirmative;* Bill read 2ª accordingly, and *referred* to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 3, 1853.

MINUTES.] NEW MEMBER SWORN.—For Worcester County (Western Division), Viscount Elmley.

PUBLIC BILLS.—1° Payment of Wages; Fisheries (Ireland); Places of Religious Worship Registration; Judges Exclusion; Cathedral Appointments.

Reported.—Commons Inclosure (No. 2)

CONVOCATION.

SIR JOHN PAKINGTON: I rise, Sir, to put the question, perhaps I should rather say the three questions, to the noble Lord the Member for the City of London, of which I have given him notice, and I am sure that in putting a question upon a subject so delicate and so important as this, I may be allowed to disclaim the slightest intention to show any disrespect, or anything that can approach to disrespect, towards the distinguished prelates to whom I refer. I wish, also, to disclaim the least intention to prejudge in any way the important question whether it is desirable or not for the interests of the Church that the powers of Convocation should be enlarged, or its constitution remodelled. I wish, firstly, to ask the noble Lord whether the attention of the Government has been called to the proceedings of the Upper House of Convocation which took place on the 16th ultimo, and which were of a somewhat unusual character, and the legality of which was very strongly disputed by some of the prelates there present? I wish to ask the noble Lord, secondly, whether the Government are of opinion that in appointing a Committee to transact business during the prorogation, and to report to Convocation at their next meeting in August next, the Upper House acted legally, and whether that Committee can legally execute the functions so assigned to it? And I wish to ask the noble Lord, in the third place, if it is the intention of the Government to take any steps in this matter?

LORD JOHN RUSSELL: Sir, in answer to the question of the right hon. Baronet—although he has already once postponed it—at present I can only say that the attention of Her Majesty's Government has been directed to the subject to which he refers; that the Law Officers of the Crown have been asked their opinion as to the legal power of Convocation respecting the Committee which is to sit from the 16th of February to some day in August next; but at present, although the question occupies their attention, the Government have not yet received their formal opinion on the subject. I therefore wish the right hon. Baronet to defer asking his question till to-morrow.

TURKEY AND MONTENEGRO.

LORD DUDLEY STUART said, he rose in pursuance of notice to call the attention of the House to the affairs of Turkey, as affected by the contest now proceeding in Montenegro. He regretted that this subject had not been taken up by some much more able and influential Member of the House than himself, because it must be obvious to every mind that this question was one involving the independence and integrity of the Turkish Empire—objects which it had always been the policy of all Governments in this country for many years past to regard as being of paramount importance. Those objects, however, were now greatly endangered. They had heard that large armies of Austrians were marching towards her frontiers in one direction, and that Prince Menzikoff was at the head of three *corps d'armée* of Russians in another direction, and that an *ultimatum*, in terms the most peremptory, had been addressed to the Ottoman Court, to be answered in the space of a few days. The most prominent cause of these proceedings was the present state of the small province, or part of a province, called Montenegro—so small in extent, in importance, and in population, that under other circumstances it might be described at Vienna as a geographical atom. Now Montenegro was within the Turkish territories; it was about sixty miles long by thirty broad, with a population of 100,000 persons, half barbarous and uncivilised. It had formed part of the province of Scutari, and was won from the Venetians in 1478. Several treaties, from that of Carlovicz in 1699, and of Passarovicz in 1718, down to that of Sisrow in 1791, had recognised the dominion of Turkey over this province; and in the last-named treaty signed between Austria and Turkey, under the mediation of England, Holland, and Prussia, there was the following clause:—

> "Art. 1. There will be henceforth a perpetual and universal peace on land, sea, and rivers between the two Empires, their subjects and vassals—a true and sincere friendship—a close and perfect union—a suppression and a full and general amnesty of all hostilities, violence, and injuries committed during that war by the two Powers, or by the subjects and vassals of the one which have sided with the other, and especially the inhabitants, of any condition, of Montenegro, Bosnia, Servia, Wallachia, and Moldavia, who, in virtue of this amnesty, can repossess any ancient dwellings, possessions, and rights, and enjoy them peacefully without ever being disturbed, molested, or punished for having declared themselves against their own Sovereign, or for having taken an oath of allegiance to the Imperial and Royal Court."

To this treaty was appended the following declaration of the negotiating Ministers:—

> "We, Plenipotentiaries of His Majesty the King of Great Britain, of His Majesty the King of Prussia, and of the High Powers the General States of the United Provinces, having served as negotiators of this work of pacification, do declare that the above treaty between the Imperial and Royal Court and the Sublime Ottoman Porte, with all the clauses, conditions, and stipulations which are therein contained, has been concluded by the mediation of their Majesties the Kings of Great Britain and of Prussia, and of the High Powers the General States of the Provinces. In testimony whereof we have signed these presents with our hands, and caused the seal of our arms to be set to it.
>
> "Done at Sistow this 4th of August, 1791.
>
> "ROBERT MURRAY KEITH.
> "JEROME MARQUESS DE LUCCHESSINI.
> "R. DE HAEFTEN."

Since that time there had been no treaty signed between Austria and Turkey which could in any way affect the subject. True, the Montenegrins had at various times endeavoured to gain their independence, and had to a certain degree enjoyed it, but they had always been entirely under the suzerainty of the Porte. The treaty of Vienna in 1815, which defined the limits of Austria, left Montenegro as it was before—a portion of the Turkish Empire. Of late the Montenegrins had endeavoured to pursue a course which evinced a disregard of the authority of Turkey, and had done so under very peculiar circumstances. Montenegro was governed by a bishop, whose authority was hereditary. Now, the Greek bishops were not allowed to marry, and, of course, could have no issue, so the right of rule over the country descended, not from father to son, but from uncle to nephew. The late bishop, or Vladika, as he was called, having died last year, his authority had devolved upon his nephew, Prince Daniel, who was a young man about thirty years of age. It appeared that this young prince had no desire to be a bishop; the *nolo episcopari* with him was much more sincere than with some Protestant bishops, however conscientious they might be; and Prince Daniel had conceived the desire of becoming the head or prince of the country without assuming episcopal functions. With that view he had repaired to St. Petersburgh, probably to consult the Czar upon the subject, and to obtain his sanction to this new arrangement—a mode of action which might appear very natural to those who, like the noble Earl lately Secretary for Foreign Affairs, were so ignorant as to suppose that the Emperor of Russia was the head of the Greek Church. He said so ignorant, though in using that phrase he would not be thought to speak in any manner offensive to the noble Earl; but it was undoubted that in another place the Earl of

Malmesbury described the Emperor of Russia as head of the Greek Church. That was a complete error, and he believed that the noble Earl was now convinced of the blunder he had made. The fact was, that all the Emperor of Russia could claim was to be the head of those persons professing the Greek faith who were subjects of his own own; but legally he had nothing whatever to do with any members of that religion who were the subjects of any other country, these persons looking up to the patriarch of Constantinople as the head of their religion. It was said by persons well informed, that when Prince Daniel was at St. Petersburgh he received advice from the highest quarters to adopt a rebellious course with regard to the Sultan, and to act as if he were independent. However that might be, it was certain that soon after his return from St. Petersburgh those disturbances arose which had led to the present uneasy state of the East, and had called for the active interference of Turkey with a large force. It was also said that the Czar, having given this counsel to the Vladika, gave precisely the contrary advice by his ambassador to the Sultan, and urged him to put down by force the Montenegrins, who endeavoured to throw off his authority. Thus we saw the Emperor of Russia giving one kind of advice at St. Petersburgh and another at Constantinople; and so pursuing that course which history told us had always been the course of Russia with regard to those countries not ruled by herself, with a view of creating animosity and discord, in order either that she might be called in as a mediator, or that those States not subject to her might be weakened by internal disorder. We had seen this same line of policy pursued in Poland; we had seen it in Turkey previous to the present emergency, and we had seen it in Hungary lately, when it was well known that, having interfered most unjustly with her army to put an end to the struggle of the Hungarians for their constitutional rights, she did everything she could to represent the Austrians to the inhabitants of Hungary in the worst possible light, and herself as their saviour and defender. The Montenegrins having received the advice he had alluded to, acted upon it. They began to make incursions into the neighbouring territory of Turkey, they began to commit acts of robbery, pillage, and murder, and went so far as to surprise the Turkish fort of Zabljak, and to put to death the small garrison which it contained. The Sultan thereupon sent a considerable force to re-establish order, under the command of Omar Pasha, who was one of the ablest generals Turkey possessed, and who as early as 1839 had commanded a brigade in Syria, and in 1846 had led an expedition into Kurdistan for the deliverance of the Christians persecuted by Bader Khan Bey. This expedition into Montenegro it was which had occasioned the interference of Austria. That country had made complaints upon the subject, and had addressed demands wholly incompatible with the respect due to Turkey, if it was to be considered an independent State. It appeared that Austria complained that a large army should be assembled in that part of Turkey without previous notice to her, demanded the removal of certain Hungarian refugees, who were serving against the Montenegrins, and called for the concession of certain points on the coast; or, if those points were not conceded to her, she demanded an engagement from the Turks not to use those places in any way. It was reported that these demands were urged so peremptorily that the ambassador of Austria required an answer in five days, or he was to withdraw from Constantinople. Now, undoubtedly, it was usual to ask for explanations, if a neighbouring country assembled upon its frontiers a large body of men; but if the country asking for these explanations meant to be on terms of amity with its neighbour, and to treat it as an independent Government, these explanations must be demanded in a proper manner, and with the courtesies usual between nation and nation; and no *ultimatum* must be given, or threats held out, as had been the case in this instance. No doubt, if such explnnations had been asked for at Constantinople in a proper manner, they would have been given, and Turkey would have given every assurance that this army was not intended to threaten Austria, but only to put down the disturbances which had arisen in Montenegro, and to re-establish a peaceable state of things among those whom she considered her own subjects. That the idea of Turkey having any design upon the Austrian Empire, or any design of disturbing its peace, or making an incursion into its territory, was absolutely preposterous, must be admitted by anybody who knew the relative forces of the two Kingdoms. As to the force under Omar Pasha being large, that might be satisfactorily explained, for the Montenegrins were admitted to be a very martial and brave people, and Turkey had previously experienced the difficulty of subduing these warlike mountaineers. Could it be supposed that Austria had any right to tell the Sultan he was not to put an end to the lawless state of things which existed in Montenegro? Did Austria pretend that Montenegro was an independent State? Why, all the maps and the geographical works of any credit, placed that country in the Turkish dominions as part of Turkey; and he had seen the official map published at Vienna, which laid down Montenegro in no other position. But it was certainly a strange thing to see Austria contending for the independence of a State like Montenegro. Why, this was Austria, which a short time ago spoke of another independent State as a "geographical atom," and which, notwithstanding the obligation of treaties formed with every State in Europe, and notwithstanding her own obligations to protect that State, did without scruple violate the independence of what she called a "geographical atom,"—the Republic of Cracow—and violently annexed it to her own dominions; a proceeding which called forth a protest from the Government of this country and of France, which was now a matter of history. And whom had Austria sent to interfere on behalf of the independence of Montenegro? Why, as if to turn all the obligations of treaties into ridicule, the ambassador sent to defend the independence of Montenegro was no other than Count Leiningen, the military governor of Cracow. As to the demand for the removal of certain Hungarian refugees from the army of Turkey, those refugees had probably embraced the Mussulman faith; and it was a well-known law of Turkey that, by so doing, they acquired all the rights and privileges of Turks, and the Turkish Government, therefore, was perfectly justified in considering those people in the same light as native Turks. Certainly she might remove them, and place them elsewhere, in order to conciliate the feelings of Austria; and no doubt, if such a demand had been properly urged, it would have met with attention. There was another demand which it was said had been made—namely, that Austria should be considered the protector of all Roman Catholics in the Turkish dominions. The Turks might well say, in reply to this, that any such protector was altogether unnecessary. Could Austria show that those persons had been ill-treated? Had they been interfered with in any one way in the exercise of their religion? He believed that, on the contrary, there was no Government so tolerant of all religions as the Turkish Government. The Roman Catholics in that country were allowed to worship without let or hindrance; and in Constantinople religious processions might be seen passing through the streets without being interfered with or molested by any of the inhabitants. That toleration was given to every sect, was further proved by the fact that at Jerusalem there was a bishop of the Anglican Church; and Protestants, Roman Catholics, and members of the Greek Church, all enjoyed the freest exercise of their own religion. They were never interfered with in any way, and he only wished that the same thing could be said of every Christian Government. The Turks had always shown this toleration; let it not be said that it was only lately that it had been evinced, because they were weak, and wanted to conciliate other Governments. History told us the contrary. When they took Constantinople they did not expel the conquered race, as the conquered race had been expelled from Spain, although in the one case there was a treaty, and none existed in the other. When, again, the Turks took Jerusalem, they established liberty for all religions; and he was afraid the consequence of this had been such contests between the Christians themselves, as were not only disgraceful to the religion they professed, but had led to discussions and disputes which turned out very injurious to the Turkish Government. He alluded to the quarrels in regard to the Holy Sepulchre which prevailed between France and Russia; and Turkey was threatened first by one and then by the other of those two Governments, in a manner which seemed to involve the loss of her independence, and which, he feared, was the result of her own tolerance. But by whom were the present pretences in regard to Turkey put forward? By the most intolerant Power which existed, or which ever did exist. Austria had been doing nothing ever since the Reformation but persecuting the Protestants, and thousands had lost their lives by her persecutions. Let the House remember the Protestant persecutions under Charles V. in Flanders, the religious persecutions in Bohemia, and those under Ferdinand II. in Hungary. To whom was it owing that the Protestants in Hungary were not exterminated by the Austrians? It was owing to the Turks, who gave them

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assistance and support for the one hundred and fifty years during which their dominion in Hungary lasted, and who had always allowed the Protestants the free exercise of their religion. Now what was the reason of this hostility to Turkey on the part of Russia and Austria? Had she done anything to give offence to those Powers, which they took this opportunity to resent? Who was there that supposed that the pretexts put forward had any sincerity in them? Who was there who did not feel that there must be some secret motive urging Austria to take this tyrannical course? Had not Austria demanded that certain Hungarian refugees should be delivered up to her in order that she might slake her vengeance upon them; and had not Turkey nobly resisted that demand? Formerly she made similar demands about Ragotzi, to which Turkey replied with the same dignity. At the bottom of all the talk about religious freedom and national independence was a vindictive spirit on account of Hungary and Kossuth. Did Turkey address any demand to Austria at the time she had insurgents to deal with, similar to those which Austria was now addressing to Turkey? Did she find fault with Austria because that Power had large armies in Hungary, and even marched them on to Turkish territory, when flying before the irresistible banner of the brave Bem? They could not but regard the proceedings of Austria against Turkey as those of might against right, unsanctioned in any way by justice or public law. He wanted to know how the Government regarded these matters. Did England hold the same conviction of the necessity of maintaining Turkish independence as hitherto? He believed we were bound by the faith of treaties to adhere to that ancient policy, and these our obligations had been often insisted upon in speeches from the Throne, and in Ministerial declarations from Governments of every description—Liberal, Tory, and Peelite. We were indeed no less bound by good faith than by good feeling to give that support to Turkey which we had been accustomed to afford her. If we did not, the great Powers would divide Turkey between them, and the equilibrium of Europe would be entirely destroyed. Some hon. Members spoke of that equilibrium with great contempt; but that was not his opinion of the balance of power. If Russia and Austria took possession of European Turkey between them, they would acquire so much power that it would become exceedingly difficult to resist them, and the liberties of Europe would be placed in serious jeopardy. Again, in a commercial point of view, it was of the utmost consequence that we should maintain the rule of the Sultan at Constantinople. Our commerce with Turkey was increasing at a most prodigious rate. He had moved last year for a Return of our exports to Turkey, Russia, and Austria. It appeared from these Returns that within the last twenty years our trade with Turkey had been quadrupled, with Russia only doubled, whilst with Austria it had actually diminished. No one could suppose that, if Turkey fell into the hands of Austria or Russia, our trade with her would not suffer most materially. Did any one suppose, if such an event were to take place, that there would be any religious freedom in Turkey? Many hon. Gentlemen were most desirous to see that Protestants in every quarter of the globe enjoyed perfect toleration. He asked those Gentlemen how long they thought an English bishop would be permitted to remain in Jerusalem if Austria took possession of Turkey? A good deal had been said some years ago of Turkey being our ancient ally; could that friendship subsist if we allowed her independence to be attacked—if we allowed her to be treated in a manner contrary to the law and usage of nations? It had been also said that Austria was our ancient ally. He did not wish to see England on bad terms with Austria or any other country—far from it; but he believed it was perfectly possible frankly to extend the hand of friendship and assist Turkey, without quarrelling with any other Power. As to Austria being our ancient ally, he humbly thought this was not a correct description, for Austria herself was the most modern of existing Empires—more modern than the revived Empire of France. In the days of Marlborough our alliance was not with the Empire of Austria, but with the Empire of Germany, and Austria had no longer the same hold of Germany as in those days. Indeed, a very small portion of her dominion was German—not above a quarter. The greater part of her territories was composed of other nations, a great part of whose population detested her rule—never more would they hear the cry in Hungary, *Pro rege moriamur.* In Italy, too, there was the greatest discontent; the tyrannic rule of Austria there was such that, like the crushed worm, the hapless people rose up against their tyrants even without any hope of success. Austria seemed to be animated by a most inimical and unfriendly feeling towards the people of this country. In the Austrian dominions, as well as in those countries in which Austria had influence, England had just reason to complain of the treatment of her subjects. Thus, in Saxony, Mr. Paget had been treated with great indignity; in Tuscany, an Englishman had been cut down by an Austrian officer at the head of his troops, and that officer had not been so much as reprimanded; and in numberless other instances had English subjects experienced insult and outrage at the hands of Austria. It had been very much the habit to attribute bad feeling on the part of Austria towards England to his noble Friend the present Home Secretary; but it was a very remarkable thing that all those proceedings which he had mentioned had taken place subsequently to his noble Friend's retirement from the Foreign Office; and whilst there was another Government in power, which was most eager in its declarations of amity towards Austria, they had seen an affront put upon England by Austria which never could have been expected, and which the people of this country deeply felt; for Austria, be it remembered, was the only State in Europe which refused to honour the memory of the illustrious hero whom we had lost by declining to send her representative to attend the Duke of Wellington's funeral—Austria, too, which, it was no great exaggeration to say, owed her safety mainly to the victories of that great man. History showed that there were two men, who, more than any others, had saved the empire of Austria—one was the Duke of Wellington, and the other was John Sobieski—and to both these men she displayed her ingratitude. He did not bring this question forward as a party question, because the maintenance of the independence of Turkey ought to interest them all. He would say to hon. Gentlemen—are you Protestants? If so, he would show them that Protestants were better treated by the Turkish Government than by any other; to Roman Catholics he would say that there was no country in the world not Catholic itself where Catholics enjoyed such perfect toleration; Utilitarians he would remind that there were great and substantial advantages to be derived by England from Turkey remaining independent; if they were of the Peace party, he would say to them, maintain the independence of Turkey, for otherwise there is every probability of Europe being involved in a general war. Those who sat on the Opposition benches he would remind of the ancient policy of their party, and of the speech of their leader during the last Session, which did him infinite honour, and in which he (Mr. Disraeli) showed the necessity of maintaining Turkish independence; those who belonged to the present Government he would remind of their former sentiments, and he would ask all to remember the noble conduct of the Turks, and how, having first saved those poor refugees from death, they afterwards, by the advice of England, set them at liberty, when they might have won the favour and conciliated the support of powerful neighbours, by detaining them in captivity. The Government of this country—representing the feelings and wishes of the people of this country—backed Turkey in her gallant refusal to deliver up those men We had advised her throughout—we were now bound in honour to see that she did not suffer for that chivalrous conduct in which we counselled her, and promised her our support. He was sorry to see that a certain portion of the press of the metropolis viewed the question in a different light. He considered we were bound to uphold the independence of Turkey upon the faith of treaties; but he now found that in the London newspapers the partition of Turkey was calmly discussed, as if such a thing were admissible, even if it were our interest—which it clearly was not. The only advantage we could hope from it would be a passage to Egypt, which we now had. He trusted England would never give its consent to any proceeding so flagitious, and that the good understanding which he had heard with so much pleasure existed between England and France, would be exerted in behalf of Turkish independence; for it was no less the interest of France than of England that her independence should be maintained, and the faith of treaties observed. And here he would take leave to observe that the French nation and the French Government, ever since the peace, had adhered to treaties most creditably—to treaties which, according to French views, it was disagreeable to observe; and this honourable fidelity to international compacts had not been evinced by either Russia, Prussia, or Austria, which had all repeatedly and openly violated the treaty of Vienna, and thereby endangered the peace of Europe. He hoped France and England would unite together to protect Turkey, and to induce that Power to do everything which could be done to ameliorate the condition of the Christian population in the Turkish territories. He believed the Turkish Government was well disposed to listen to such advice; it had shown a disposition to do so, and he had not the least doubt that if such advice were tendered in a proper and amicable mode—not a demand in a peremptory way by an *ultimatum*—not made by the general of a large army, with insolent threats, but friendly advice—if so, he had no doubt that the Turkish Government would at once attend to that advice, and by ameliorating the condition of its Christian subjects, and attaching them to its rule, consolidate the internal strength of the empire, and give a fresh proof to the other Powers of Europe of its desire to conciliate their good opinion.

MR. MONCKTON MILNES said, that while he admitted that he could not fully adopt some of his noble Friend's observations, nevertheless, with much cordiality, he would second the Motion. He thought that the question relating to Montenegro had considerable importance attached to it. Here was a small mountain district, about sixty miles long, and between thirty and thirty-five broad, placed almost upon the frontier of the great Turkish dominions, and nominally conquered at as early a date as the year 1398, though it was rather surrounded by conquered territories than itself subdued. The district had derived much consideration, as well from its peculiar situation as from the character of its people. A portion of its territory abutted upon the Adriatic, thus affording to the Power possessing it excellent harbours. The circumstance, however, which invested this small district with most interest was the peculiar and indomitable character of the inhabitants, who had always succeeded in maintaining themselves in a state of *quasi* independence. The plain truth was, that the Turkish dominion had always existed in Montenegro *de jure,* but hardly ever *de facto.* The inhabitants were a wild and courageous people, and had preserved their independence, more or less, down to the present day. Another singular circumstance in the history of Montenegro was, that Powers had affected to cede it by treaty who had never had it in their possession. Thus it was ceded to Turkey by Venice in 1718, and by the Emperor Leopold in 1791, without either party having themselves ever been in possession of it. He did not believe, however, that the Turks would ever have interfered with the Montenegrins if they had kept themselves quiet; but like other brave mountainous races, they were little civilised, being governed rather by customs and traditions than by laws. This being so, they were continually descending into the plains to destroy Turkish harvests, and committing other outrages in the Turkish territory. By this conduct, therefore, they made themselves extremely obnoxious to their neighbours. For a long period of history, however, dating from the time of the Czar Peter, the authority of the Russian monarch had been more or less acknowledged by the Montenegrins—and hence, in 1812, having applied to Russia for assistance, they received it—and in the Austrian and Russian war, towards the end of the last century, the population of Montenegro gave effective aid to Russia. It was on account, then, of this influence of Russia, that he considered it essential that English diplomacy should be made to interfere. For, on the one hand, if the large Turkish army which had been sent to the frontier should possess itself of Montenegro, the greatest excitement would naturally prevail among the Christian population of that part of the Turkish dominions. And, on the other hand, there was the precedent of the year 1716, when a large Turkish army of 30,000 men was destroyed by a small band of mountaineers—a fact which ought to induce those who were friendly to the existence of that Empire to take the question into their most serious consideration, and this, he owned, appeared to him the more probable result of the two. Thus he thought it would have been very well if the united diplomatic action of France and England at Constantinople had been brought to bear to prevent that army from departing for Montenegro. And he could not help thinking that if England had been as active during the last year at Constantinople as she had been during former years, that Turkey would have been saved the great outlay on account of this expedition. He hoped that the efforts of the British Government would be directed to maintain the Montenegrins in that state of modified independence in which they had so long sustained themselves. The European Christian subjects of Turkey in general had no taste or desire for the bureaucratic system of either Austria or Russia; they preferred the temporary inconvenience and temporary degradation of submitting to a heathen monarch, to being incorporated with either of those despotic Governments, when their present individuality, and their hopes of future independence, would be alike annihilated. He believed it might be very possible that Her Majesty's Government would be unable to lay the papers asked for on the table of the House, for the reason that negotiations had not as yet come to a conclusion. Nevertheless, he trusted that they would assert that it was the duty of this country to protect the Turkish territory from the invasion of either Austria or Russia. He trusted that British influence would be supported at Constantinople as it had heretofore been by the distinguished representative of the Crown who had been for some time residing in this country. He was also glad to see that the interests of France were about to be represented at Vienna by M. De Bourqueney, a gentleman who had been long known and esteemed in this country. He rejoiced to see that gentleman restored to the diplomatic service of France, because he knew him to be at the same time a friend of England. As to the dismemberment of the Turkish Empire, which had lately been alluded to, the ways of Providence were not as our ways; such a catastrophe could not occur without convulsing Europe to its very centre, and the interests of England required that every means should be employed to avert that event.

Motion made, and Question proposed—

> " That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies or Extracts of any Communications addressed by the Austrian or Turkish Governments to the British Government on the subject of the question of Montenegro, and of any replies thereto."

LORD JOHN RUSSELL: Sir, I trust that my noble Friend who has brought forward this Motion will not feel it necessary to press for the papers asked for, as the negotiations on the subject have not yet come to a termination. I will, however, follow my noble Friend in his remarks upon the subject to which he professes in his notice to call the attention of the House—namely, the affairs of Turkey as affected by the contest now proceeding in Montenegro. I agree in the general principles laid down by my noble Friend, that this country ought to be cautious to maintain the independence and integrity of Turkey. Turkey has long formed an important part of the European system. Its independence and integrity have been repeatedly affirmed by treaties, and sanctioned by a convention of the general Powers of Europe, no longer ago than in 1840. I trust that that independence may long be maintained, and I own I could not conceive any greater calamity falling on Europe at the present time than that the necessity should arise of considering what should be done in such a case as of a proposal for the dismemberment of Turkey. I have seen, therefore, with much pain, the speculations that have been recently put forth upon this subject. In my opinion we could not attempt the dismemberment of Turkey by force and aggression without committing a great crime and breach of faith towards Turkey, and a violation of all the ties which bind nations together. I trust there is no Englishman who wishes to be a party to such transactions as those which accompanied the partition of Poland. But if unfortunately Turkey should fall to pieces from her own weakness, a question of very great importance might arise; and for my own part I own that it appears to me a question of such great gravity that I can hardly expect it to be solved without exciting a war in Europe. I am afraid, looking at the position of the different Powers, that it would be hardly possible to provide for such a case without producing in Europe such a preponderance of one Power as would naturally raise the envy and opposition of all the other European States, and without producing such a state of anarchy in Asia as it is fearful to contemplate. For my own part I think, therefore, that on grounds of right, of international law, of faith towards our ally, and also on grounds of general policy and expediency, the maintenance of the integrity and independence of Turkey should be a great and ruling point in the foreign policy of England. Sir, with respect to the transactions which have lately occurred, I will state to the House, without going into the particulars of these negotiations, the general outline of what has occurred with respect to Montenegro. I will not enter into questions relating to the other Powers; but with regard to the relations between Austria and Turkey I think I can give at least some explanations to the

House. The little territory of Montenegro has been, as my noble Friend described it, inhabited by a very hardy race of mountaineers belonging to a Christian Church, but certainly departing from the Christian precepts, for it has been their custom to commit robberies upon and to pillage their neighbours, and to enrich themselves by the most lawless proceedings. However, although acknowledged by the treaty of Carlovicz and several others—the latest being that of Sistow—to be under the sovereignty of Turkey, they have for a long period maintained a *de facto* independence. For about a century this independence appears to have been acknowledged by Russia. There is this difference between the relations of Austria and those of Russia towards Montenegro—that while Austria has at all times, and up to the present day, acknowledged that Montenegro was subject to Turkey, the Russian Government does not appear to have acknowledged any such claim on the part of the Sultan of Turkey, but, on the contrary, has treated Montenegro as an independent State. For a long time the bishops of Montenegro, who have combined both the civil and the ecclesiastical power, have been accustomed to resort to St. Petersburg, to the Russian patriarch, to obtain investiture, instead of going to the Patriarch of Constantinople, or any other patriarch of the Greek Church equal in authority—indeed, perhaps, as to the Patriarch of Constantinople, superior in authority—to the Russian Patriarch. On the occasion of the last vacancy in the see, by the death of the late bishop, who is generally described as having been a very remarkable man, his nephew went to St. Petersburg, there declared that he did not wish to enter into the ecclesiastical state, and that his friends and fellow-countrymen in Montenegro were willing to acknowledge him as chief without his holding the episcopal dignity, and proposed that he should therefore rule the people as an independent chief, and that another person should become the Bishop of Montenegro. To this arrangement the Emperor of Russia appears to have lent a willing ear; and, according to the statement of the Russian Government, the Emperor dismissed the young man with many words of civility, advising him at the same time not to attack his neighbours, or to commit any acts of aggression upon them, but to live in peace with Turkey and all the other countries near him. This young prince does not appear to have profited by that advice, for we very soon hear of attacks that were made by the people of Montenegro upon the neighbouring villages and towns in Turkey—of property being destroyed and houses burned to the ground; and evidence was given of the inhabitants having been injured, and in some instances killed, by those who called themselves the subjects of this chief of Montenegro. The Turkish Government, as I think most justifiably, determined to meet this aggression, and to punish those who had been guilty of those attacks upon the subjects of the Sultan; but in doing so it adopted the plan of attempting the complete conquest of Montenegro. It raised a very large force of 50,000 men; it placed a very able chief at the head of it, Omer Pacha, who is supposed to have promised the Sultan that he would utterly subdue what the Sultan considered the rebellious part of his dominions. It appears to the British Government, and likewise to the French Government, that this was an imprudent proceeding on the part of the Porte. In the first place, on a consideration of the state of the financial resources of Turkey, and of its military forces, it was thought that it would be an effort that must be accompanied by a great drain on those resources, and, therefore, was in itself an act not justified by prudence; in the next place, it appears very probable, as my hon. Friend who seconded the Motion (Mr. Monckton Milnes) said, that the destruction and the utter subjugation, and probably the driving away of a great part of the 100,000 inhabitants of Montenegro, would excite great alarm on the part of the Christian population of the neighbouring districts, and that a religious war might thus be excited. A representation and friendly advice to the Sultan, not to attempt this expedition on so large a scale, was made and given under the Government of the Earl of Derby, and was repeated by me when I held the seals of the Foreign Office. I believe that the French Government, which has generally taken the same view as the British Government has taken, gave at the same time similar advice. However, the expedition went on. I will not now enter into the military events that followed, but the next matter of great importance to which the attention of Her Majesty's Government was called was the mission of Prince Leiningen to the Porte. Whatever may be the object of that mission, it was evident from the first communication that was made by the Austrian Government that Prince Leiningen was instructed to place the demands of Austria before the Porte in a very peremptory manner, and while on the one hand it was promised that, if those demands were complied with, the friendly relations which have hitherto existed between the two countries, but which had for some time past been impaired, would be resumed on their former footing, on the other hand it was stated that the most grave consequences might follow from the refusal of those demands. Her Majesty's Government thought it necessary, on the intimation of such demands, to have at once a frank explanation with the Government of the Emperor of Austria. We communicated to the Government of the Emperor of Austria the view we had always taken of the policy of maintaining the independence and integrity of Turkey. We pointed out, without entering into the particular merits of the demands that were made, the danger of anything like a menace to Turkey, and of a collision between the forces of the two Empires. I must say that the explanations we received from Austria showed that, whatever might be the necessity for making those demands at the present time, Austria was animated, according to assurances to which we gave full credit, by the same desire as ourselves of maintaining the independence of Turkey, and expressed the strongest wish to be enabled to restore those amicable relations so very long maintained between them, and of adhering to the policy of preserving the independence of Turkey, which is known to be the policy of that great Empire. The demands made by Austria were of various kinds, to some of which I need hardly refer; but with respect to Montenegro her demand did not depart from the provisions of the previous treaties to which I have referred, nor did it depart, as might have been expected from a Power that has always maintained the greatest respect for the international law of Europe, in principle from the claims that might be justified by that law. It was said that though Montenegro *de jure* belonged to Turkey, yet for a long period of time the independence of the mountaineers had not been disturbed—that the invasion of a great army could not but raise disturbances on the frontier of Austria—that a great number of persons would take refuge across the frontier, so as to make the maintenance of tranquillity on that frontier extremely difficult, and make it necessary for Austria to keep up a great force in order to maintain the tranquillity of her dominions. She stated likewise the danger of a religious war to which I have alluded, and which it was conceived would cause more danger than anything else. She therefore wished, that while Turkey did not depart from the maintenance of her title—while she should punish those who committed acts of pillage in the Turkish territories—she should look, as the end of the controversy, to the restoration of the *quasi* independence of Montenegro, and the maintenance of the independent power which Montenegro had hitherto held. With regard to two portions of territory, Kleck and Satorina, an allegation was made on the part of Austria of a complicated nature, and which depends upon complicated evidence. Those portions of territory are intermingled with the territory of Austria, and they are so intermingled because they formerly belonged to the republic of Ragusa, while other portions of territory given to Austria by the treaty of Vienna were formerly portions of the republic of Venice. The Austrian Government has always stated that the position of those intermingled territories by the Turkish Government was very inconvenient to her; and so long ago as in 1832 and 1833 she endeavoured to obtain, by purchase from Turkey, the sovereignty of this small portion of territory. Having failed in the negotiation at that time, and never having been able to accomplish her object since, she claims rights which she says were exercised by the Venetian republic, and enforced by the maintenance of ships of war upon the coast; that while the land is allowed to be the property of Turkey, no encroachments should be made on the coast for the purpose of trade or commerce by Turkey. With regard to this subject, as with regard to other subjects I mention, I am not stating that Austria is well founded in all her allegations; I am only endeavouring to give the House some insight into the nature of her claims, and the reasons which governed the mission of Prince Leiningen to Constantinople. Another complaint which was made by Austria was, that some Hungarian refugees, who had remained in Turkey from the time the war in Hungary ceased, were not only countenanced by Turkey, but allowed to serve in the army of Omar Pacha, and held distinguished posts in that army, and, being close to the frontier of Austria, were necessarily a cause of much annoyance to Austria. With respect to the Hungarian refugees who were permitted to leave Turkey, but had remained there, the Turkish Government had promised to make some explanation why Turkey had acted in a manner that was contrary to an engagement—not a written engagement, but a verbal engagement—into which she had entered with reference to them. Added to these demands, there are other questions with respect to Austrian subjects who are alleged to have suffered wrongs, and who have not received redress from the Turkish Government, and for whom the Austrian Government now demands reparation or compensation. Such was the general nature of the demands which Prince Leiningin was ordered to lay before the Porte. I cannot say—not being called upon to make any allegation either as to the justice or injustice of those demands, in a particular manner—I cannot say that there was any one of them that could be said to affect the independence of the Sultan, and which were not founded at least upon some allegation on which the Austrian Government might fairly rely as a Government not unfriendly to that independence. Sir, I am unable to inform the House as to the exact arrangements that have been entered into. I know that these questions were placed before the Turkish Government, and that for some days there was a great deal of consultation on them; and we have been informed by our Ambassador at the Court of Vienna that the Austrian Government is satisfied; that the mission of Prince Leiningen has been successful, and I trust those differences are now at an end. I trust that, such being the case, the relations between those countries will again be placed on their former intimate and friendly footing. With respect to other questions to which my noble Friend has incidentally alluded, I do not think that any public purpose could be served by my entering at present into them, as there are, unfortunately, questions still pending which are of vital importance to the territory of Turkey. Our course throughout those proceedings has been, and our course throughout any future proceedings will be, to give Turkey the advice that is best calculated to maintain her honour and her independence, and at the same time not to expose her to the rude shock of war, for which she might not be at present prepared. No man more than Lord Stratford de Redcliffe—who is already proceeding on his voyage there—will enforce this opinion, that by the good government of the Christian subjects of the Porte, by the enforcement of regular laws, by the maintenance of a system similar to that which prevails in civilised European communities, and by adopting and enforcing just principles, she ought to give her Christian subjects no reason to complain that they are not living under a sovereign of the same faith as themselves. I believe, as stated by my hon. Friend who seconded this Motion, that this much is perfectly practicable; I believe it is quite possible for Turkey—discarding some of those notions that belong to times of conquest, when the Turks first got possession of those very territories—to give to its Christian subjects quite as good a government as they would be likely to obtain from those sovereigns that are the neighbours of the Porte. If she conducts herself in that way, and takes the friendly advice of the Ambassador that is now proceeding to the Porte, I need hardly say that Turkey will always find a faithful ally in Great Britain. We have no object to serve other than a most friendly one—we covet none of her provinces—we wish to share in none of her territories or provinces. It is our interest, as we conceive, in common with all the Powers of Europe, that Turkey should be maintained in its integrity, and that likewise it should be governed in such a manner as not to be visited by those insurrections, by those perpetually recurring weaknesses, and by those dissensions which have often offered the best temptation to the foreign foe to be her aggressor. I trust that the other Powers of Europe will take a similar view to ourselves. Many of the dangers which threatened her very lately, I trust are now passed, and I have the greatest confidence that the dangers which still remain in suspense may, by fair negotiation, and by a reasonable consideration of all the consequences, be brought to a pacific solution, and that the maintenance of the present territorial distribution of Europe be preserved. We have had frequent communications with the French Government during those negotiations, and I am happy to find that, with the exception of one question, which I think it is not necessary to raise at present—a question in which we do not take an immediate interest, and which has reference to the holy places—we have acted in perfect concurrence with the French Government, and I trust that all our expectations will be accomplished.

Lord DUDLEY STUART said, he must be allowed to express his satisfaction at the explanation which had been given by the noble Lord; but he should reserve to himself the right of again referring to the subject, should circumstances render such a course necessary.

Motion, by leave, *withdrawn.*

JUDGES EXCLUSION BILL.

Lord HOTHAM said, that the object which he had in view was so plain and so simple as to require neither argument nor illustration to make it intelligible. The subject was one upon which he had always had a strong opinion, and he only regretted having been prevented, by particular circumstances, from bringing it under the consideration of the House in a previous Session. It might be in the recollection of those who were in Parliament in 1840 that it was decided, in the Session of that year, that the Judge of the Admiralty Court should no longer be capable of sitting or voting in the House of Commons. It was not without reluctance that he (Lord Hotham) made that Motion, the learned Judge himself being at the time one of the Members for the Tower Hamlets. He (Lord Hotham) felt, however, that he had no alternative; for a Bill to regulate the Admiralty Court being under discussion, it seemed to be his bounden duty then, if ever, to take the sense of the House on a matter so materially affecting the position of the Head of the Court to which the Bill in question referred. In like manner, he (Lord Hotham) had been unwilling to take the next obvious step in the same direction while the Master of the Rolls was sitting among them. But as he had no longer a seat in that House, he (Lord Hotham) felt relieved from those feelings of delicacy by which he had hitherto been restrained, and he hoped that he might now, without any appearance of personality, suggest to the House the propriety of acquiescing in such an extension of the existing exclusion of Judicial Officers as should embrace all those who could properly be considered Judges of Superior Courts. He begged, once for all, to repudiate the slightest wish to cast imputation or reflection on any of those learned Judges to whose offices his proposed Bill was intended to refer; and if, in consequence of his having mentioned the Master of the Rolls, anything that might fall from him (Lord Hotham) should be taken as evidence of a contrary feeling, he trusted that hon. Members would do him the justice to bear in mind that he made this voluntary admission, namely, that although by inheritance as well as by conviction a strong party man, yet as far as his (Lord Hotham's) observation had gone, the Master of the Rolls, during the time he had been a Member of the House, and whether, as a private individual, a law officer of the Crown, or a Judge, had always set an example of moderation and good temper. But the questions which he (Lord Hotham) had to put to the House were, whether every individual, on being appointed to a high judicial station, ought not to be prepared to devote himself entirely to the duties of his office, and to renounce every other pursuit having a tendency either to create an undue pressure on his time, or to disturb that calmness and serenity which ought to be the characteristic of a judicial mind; and, further, whether it was fitting that a high functionary of this description should also be a member, and perhaps an active member, of a political assembly, subject to popular election and its various incidents, and a constant spectator of, if not a participator in, those scenes of angry and acrimonious contention which were, he feared, of increasing rather than diminishing frequency within those walls. He (Lord Hotham) might perhaps be reminded of the brilliant career of a former Master of the Rolls, Sir William Grant, in that House. He (Lord Hotham) had had the advantage of being personally known to that learned and eminent Judge, and although this was not until after his public career had closed, he (Lord Hotham) was perfectly well aware that the character of Sir William Grant in that House was second only to the character he had established for himself in the two Courts over which he so long, and so ably, and to the satisfaction of the whole country, presided. But we now lived in different times. Formerly, the close or nomination boroughs afforded a ready access to that House to those who from age, or infirmity, or from other circumstances, were unable or unwilling to encounter the turmoil of a contested election; now, those avenues were closed, and all were liable to, and many certain of, a contest on every occasion. A general election having so recently occurred, it must be unnecessary to recall to the recollection of hon. Members the humours of the canvass—the nomination—the polling day—the chairing, and the jollification in celebration of the return; but he might, without fear of contradiction, assert that there was much to be done at every contested election which it was not becoming for a Judge of the land to engage in. But, the election over, how was the learned Judge to perform his new duties? Was the business of the House to give way to the business of the Court, or the business of the Court to that of the House? The learned Judge would scarcely have taken his seat before he would be warned by the General Committee of Elections to hold himself in readiness to serve on an Election Committee; and this notice would be immediately followed by a request that he would inform the Committee of Selection when it would suit him to serve on a Committee on a group of private Bills, which might have to sit a week, a fortnight, or a month, as the case might be. How was this to be arranged? Was the court to be closed, or the learned Judge to be permitted to come to the table (like the Ministers of State) and make oath that so long as he holds his present office (an office for life), he could not serve on a Committee?

Again, should the new Member in question be Master of the Rolls, he (Lord Hotham) begged to call the attention of the House to another case which seemed fully to justify the course which he now ventured to recommend. The contest had been unexpectedly severe, and instead of winning by a large majority, as the promises had led the Master of the Rolls to expect, he had narrowly escaped defeat. So soon as the borough had begun to resume its former tranquillity, the learned Judge's Committee determine to ascertain how it was that the canvass and the poll had presented such opposite results. The borough was a large one, and had within it a rich charity, the proceeds of which were dispensed among the poorer freemen, and needy inhabitants. It soon appeared that the trustees of this charity were very few in number—were active partisans of the opposing candidate, and that their influence had occasioned that whosesale defection among the recipients of the charity funds which had well nigh led to such a serious result. The Committee are immediately informed by the principal law agent, that the only remedy is to be found in an application to the Court of Chancery, and that the local knowlege of the Master of the Rolls would be highly valuable in restoring the balance of power within the borough. And from this results an application to the Master of the Rolls to appoint additional trustees. A highminded honourable man, as it was to be hoped English Judges always would be, would shrink with horror from the thought of being influenced in the discharge of his duty by private considerations; but with this feeling uppermost in his mind, he would probably decide wrong from the fear of not doing right; or if he decides ever so rightly in favour of his own friends, he is sure to be accused of partiality by his opponents; and if, fearful of falling into either of those two extremes, he sends the case to another court, there is at once a denial of a right which every suitor possesses—the right to choose his own court. From the possible occurrence of such evils as these, he (Lord Hotham) felt himself entitled, in a constitutional point of view, to call upon the House to guard the public. He was happy to find that a very large majority of the Judges of the land were already excluded from the House of Commons. In England, the Lords' Justices, the three Vice-Chancellors, and the fifteen Judges of Common Law, were excluded. In Scotland, the whole of the Judges were excluded; and in Ireland, the Lord Chancellor, the Master of the Rolls, and all the Common Law Judges, were likewise excluded. He (Lord Hotham) proposed to add to this list the Master of the Rolls; next the Judge of the Ecclesiastical Court; then (finding that the Judge of the Ecclesiastical Court was only Judge for the province of Canterbury) it became necessary to add the Judge of the Ecclesiastical Court of York; then, on the same grounds, the Judge of the Ecclesiastical Court of Ireland, and the Judge of the Admiralty Court in England being already excluded, the Judge of the Admiralty Court in Ireland should be placed on a similar footing; and this was the extent to which the proposed Bill was intended to go. He (Lord Hotham) knew not what reception this proposal would meet with at the hands of Her Majesty's Government; but this was no political or party question, and the best proof of this was, that he knew as little what course would have been taken by their predecessors, who were in office when his notice was originally given. There were circumstances, however, which led him to think that if it were to be his misfortune to encounter opposition, it could not be from the Treasury Bench that such opposition would proceed. The noble Lord (Lord John Russell) then, as now, representing the Government in that House, had tacitly assented in 1840 to the exclusion of the

Judge of the Admiralty Court; and he (Lord Hotham) had also had the advantage of the active support of the present First Lord of the Admiralty and Chancellor of the Exchequer. Could it be said that a rule that had been held good for the Judge of the Admiralty Court, was not equally good for the Master of the Rolls and the Judge of the Ecclesiastical Court? Against the exclusion of the latter certainly nothing could be said by Her Majesty's Ministers, for he was in a condition to show that with the exception of the Chief Commissioner of Works (Sir W. Molesworth) they were all of them committed to the propriety of that exclusion. From 1830 to 1834, the noble Lord (Lord John Russell) and his friends were in office; and in 1835 and 1836 Ecclesiastical Court Bills were introduced by the Government. Between 1841 and 1846, when his (Lord Hotham's) lamented friend Sir Robert Peel was in office, two similar Bills were brought in by his Government; and in 1845 a similar Bill was brought in by Lord Cottenham, to whom the noble Lord (Lord John Russell) afterwards gave the Great Seal; and every one of these five Bills contained the same clause of exclusion. In alluding, however, to the tacit consent given by the noble Lord (Lord John Russell) to the exclusion of the Judge of the Admiralty Court, it would be uncandid not to admit that his consent was an unwilling one, and that he said that he yielded more to the evident feeling of the House than to the conviction of his own mind. The noble Lord had said that he thought it an advantage to the constitution of the House that there should be as many men of learning in it as the people chose to send. This sounded exceedingly well as a general proposition; but the noble Lord well knew that if an individual could be found so full of learning as to be chosen by every constituency in the Kingdom to represent them, yet that if he wanted a few months of twenty-one years of age, or had taken the first step in holy orders, all his talents would avail him nothing. It was therefore a question of degree—the free choice of the electoral body was and must be to a certain extent limited, and the only point to decide was on which side of the necessary limit the Judges of the land should be placed. The noble Lord had also on another occasion expressed regret at the absence of the Judge of the Admiralty Court, who might have thrown valuable light on a certain question then under discussion. Now he (Lord Hotham) was ready to admit that perhaps there was no one person now excluded who might not on some particular occasion be able to give valuable information; but let it be remembered that any opinion thus given would be not a judicial but a political opinion, and that until the time came when any Member could be compelled to speak, it would be found that a Judge would never give any opinion at all unless he could conscientiously give it in support of that party with which he was politically connected. But even if any advantage which the presence of learned Judges could confer, were tenfold greater than had ever been contended for, the value of such advantage would be as dust in the balance, compared with the importance of the principle for which he (Lord Hotham) was earnestly, however feebly, contending. That principle was, that nothing was so hateful as a political Judge—that the functions of a politician and a Judge were inconsistent with each other—that when an individual accepted the office of Judge (which was a voluntary act on his part) he should thenceforward be known as a Judge and a Judge only—and that the only way of ensuring this, was to put it out of his power, let him be ever so minded, either to continue or to become a political partisan. Before he concluded, he wished to notice the opinions of two distinguished personages in reference to this subject. It was the recorded opinion of the late Sir Samuel Romilly, that a Member of Parliament was sure to be all the worse Member for being a Judge, and a Judge all the worse Judge for being a Member of Parliament: the other was the opinion of the late Master of the Rolls, who, when Mr. Bickersteth, was offered, by Lord Melbourne, the situation of Master of the Rolls, coupled with an intimation that he would be expected to give the Government his aid in one or other House of Parliament. Mr. Bickersteth said—

> "I think it quite clear that the Master of the Rolls ought not to be a Member of the House of Commons. If active, he would act inconsistent with his judicial character; if inactive, he must neglect the interests of his constituents and of those who promoted him; but whether active or inactive, he might have to adjudicate upon affairs between his constituents and others. There is less objection, upon public grounds, to the House of Lords. There is less to do, and less squabble and heat; but still, a Judge's office is enough to occupy the whole of any man's time."

It was with these feelings, and on these grounds, that he asked the consent of the

House to the Motion he was about to make. It was, as he had before observed, a Motion having nothing whatever to do with party or with politics—a Motion which he made on public grounds, and on public grounds alone—a Motion which he made on his own responsibility, but in the firm persuasion that the public interest would be benefited, and under the enduring conviction that the dignity and usefulness of those learned personages who now adorn the judicial bench, would be best consulted by its adoption. He moved, that leave be given to bring in a Bill to disqualify certain persons holding judicial offices, sitting or voting in the House of Commons.

MR. HUME seconded the Motion.

VISCOUNT PALMERSTON said, he should not oppose the noble Lord's Motion for bringing in the Bill, but would take the opportunity of expressing his opinion on the second reading.

Leave *given.*

Bill *ordered* to be brought in by Lord Hotham and Mr. Hume.

Bill read 1°.

IMPORT DUTIES.

MR. HUME said, he had given notice of a series of Resolutions on the subject of the Custom-house duties on various foreign manufactured articles, and also of foreign agricultural produce. Those who had attended to the progress of the free-trade principle must recollect what took place in 1840, when, in Committee of the House, he had an opportunity of bringing forward a mass of evidence, showing the manifest advantages to be derived from the removal of those monopolies which were then existing in the manufacture of many articles, by the abolition of the restrictions on the importation of similar articles from foreign countries. The result of his Motion on that occasion was the appointment of a Committee, and he considered it to have been as fair a Committee as could have been selected. The principle which had guided him on all occasions, when treating of the import duties, was to put an end to monopoly. He was as much opposed to commercial monopoly as he was to political monopoly. They were both founded on injustice, and were both equally mischievous to the general interest. It had been clearly proved, that when the duty on imports exceeded a certain amount, so far from the revenue deriving any advantage, the effect was to diminish importation, and thereby lessen the advantages previously enjoyed by the consumer, without conferring any benefit on the importer. The truth of this had been demonstrated by the fact that whenever there had been a deficiency in the revenue, the Chancellor of the Exchequer for the time being had been obliged to resort to an increase of the assessed taxes, and to the imposition of an additional 5 per cent on the income tax. The result of all this was, that the vast majority of the nation had come to a conclusion in favour of what some called free-trade, but which the late Chancellor of the Exchequer (Mr. Disraeli) had termed unrestricted competition. The Motion of which he had given notice consisted of three paragraphs. The first two were a sort of preamble, setting forth facts which would enable the House to judge on what grounds the concluding paragraph, which embodied the substance of the Resolution he had to submit to the House, was founded. By the first paragraph it appeared that there were 233 entries in the Custom-house tariff list of foreign manufactured articles charged in the year 1851 with duties of import varying in amount from 1 to 50 per cent on the value of such articles, and which articles might be classed under the following five heads:—

No.				Import duty.
1.	Each article producing under 100*l.* of duty	129	articles producing the aggregate sum of ...	£2,349
2.	Under £500 ,,	37	,, ,,	9,366
3.	,, 1,000 ,,	17	,, ,,	11,351
4.	,, 5,000 ,,	30	,, ,,	67,629
5.	,, 100,000 ,,	20	,, ,,	343,459
		No. 233	and duty	£434,154

Thus it appeared that the whole 233 articles only yielded a revenue of 434,154*l.* Many leading men had asked him why he confined his views to the repeal of these small duties; why he did not at once propose taking off the whole of the duty on sugar, for instance? Now, he should be very glad to take off the import duties altogether; and the time would come, no doubt, when it would be the duty of many in that House to support such a proposition. But, at the present moment, all he asked was to carry out the principle of free trade in those manufactured articles by removing the remaining protective duties. They had done away with protection to the produce of land without injury to any class, but with great advantage to the country at large. He had a return—not to speak of corn—of the number of cattle, sheep, and swine which had been imported, and which it was said it would be utterly impossible to admit free of duty without ruin to the country. But what were the prices of all those articles at the present time? They were much higher than they were before the introduction of free trade. Having stated the number of foreign manufactured articles still retained in the Custom-house tariff list, and shown the paltry amount of revenue which they yielded, he would now point out to the right hon. the Chancellor of the Exchequer the number of articles under the head of foreign agricultural produce. They amounted to 62, and produced in the aggregate, as import duty, 916,435*l.*, as the following list would show:—

No.			Import duty.
1.	Each article producing under 100*l.* of duty	25 articles producing the aggregate sum of ...	£382
2.	Under £500 ,,	8 ,, ,,	1,729
3.	,, 1,000 ,,	4 ,, ,,	2,911
4.	,, 5,000 ,,	11 ,, ,,	30,140
5.	,, 100,000 ,,	12 ,, ,,	533,733
6.	,, 500,000 ,,	2 ,, ,,	347,540
		No. 62	and duty £916,435

It was most unjust to the country at large, and to the agricultural interest especially, after having repealed the duty on the main articles of foreign agricultural produce, that Parliament should not carry out the principle of free trade in respect to all foreign manufactured articles. They were promised it at the time the principle of free trade was adopted, and it ought to be granted. By a Return to Parliament he found that the quantity of foreign cotton manufactures imported for home consumption in the year ending January, 1851, amounted in value to 20,798*l.*, producing a revenue of 2,079*l.* It had been thrown in the teeth of the Manchester men as a reproach that they retained this duty on foreign cotton manufactures. The reproach was by no means deserved; but at the same time it was most unfair to retain this duty, when it appeared that our home cotton manufactured goods exported in 1850 amounted to not less than 769,250,000 yards, at a declared value of 9,817,197*l.*; they also exported 590,500,000 yards of cotton yarn, at a declared value of 10,703,238*l.* The total amount of our cotton exports for the year 1850 was 28,257,401*l.* The only other article he would refer to now was glass. The Excise duty on glass had been repealed; window glass paid a duty of 3*s.* 6*d.* per cwt, which was in some instances as high as 50 per cent on its value. Now, what was the price of glass in Belgium, for example? The House would scarcely believe him when he stated that 100 square feet would cost on the average, abroad, 13*s.*; the duty of 1 cwt.—the net of 100 feet—was 3*s.* 6*d.*; the duty, therefore, was about 27 per cent. But where foreign glass exceeded 1-9th of an inch in thickness—an article most valuable for horticulturists and building purposes—it was excluded from home consumption by the duties, as shown thus—100 square feet cost abroad 16*s.* 6*d.*; the duty, at 3*d.* a foot, was equal to 25*s.*, or about 150 per cent *ad valorem.* The House would see from this instance how important it was that they should have unrestricted free trade in glass, as in every other article. Next came the leather duty, which only amounted to 9*l.* 14*s.*, and which by increasing the price affected very materially the comforts of the people. It was levied on boots and shoes, boot fronts, goloshes, and such articles, as well as on leather, and could not operate in any way except in preventing the introduction of articles of necessity, and keeping up prices by preventing competition. Then there were the duties on linen, which produced 4,670*l.* a year. How perfectly absurd such a duty was, when it was considered that this country exported 122,000,000 yards of linen every year! In the case of silk, we exported upwards of 1,250,000 yards, but still retained the duty upon imported silk goods. The silk trade suffered most injuriously from the prohibitions under which it laboured, and the progress of this branch of our manufacture was greatly checked by the operation of this system. Upon articles of woollen manufacture a revenue was derived of 13,520*l.*, while the value of our exports of the latter was about 13,000,000*l.* sterling. There were on the whole 233 articles, paying annual duty to the extent of 434,154*l.* Sweep away all these duties and they would soon see that the revenue would not lose, while the comforts of the people would be greatly increased. As to the articles of agricultural produce, which formed the next part of the Resolutions, he could not understand on what principle or on what grounds they were maintained after the results which had followed the admission of foreign sheep and oxen. It was found that prices had not fallen, notwithstanding the fears expressed before the change was made. The duty at present derived from butter was 158,000*l.*, and from cheese 85,500*l.* The number of eggs imported was not less than 105,780,000, and the duty received did not amount to more than 38,000*l.* Seeds of various kinds were admitted at duties ranging from 2*s.* 6*d.* to 5*s.* per bushel, and he could not but think that in many instances the abolition of this duty would be a great relief to the agricultural interest, and especially so in the case of laying down land in grass. The duty derived from tallow was 78,270*l.*, and there could be no doubt that the abolition of the duty upon that article, tending as it would to reduce the price of soap and candles, would add greatly to the comforts of the community. The Chancellor of the Exchequer, judging from what had occurred in past years, when similar reductions were made on other articles, need not be afraid of striking off these duties, for the increase of revenue would exceed the amount of diminution. From 1821 to 1850, the duty on sugar was decreased from 27*s.* to 11*s.* per cwt.; the quantity consumed increased from 3,530,362 cwt. in the first to 6,229,094 cwt. in the last-named year; while the difference to the revenue was only the difference between 4,077,706*l.* and 3,900,663*l.*—or 177,043*l.* The duty on coffee was reduced from 1*s.* 6*d.* per pound in 1801 to 4*d.* per pound in 1849; the quantity consumed increased from 750,861 lb. to no less than 34,399,374 lb., while the duty increased from 56,315*l.* to 566,822*l.* The duty on brandy in 1821 was 22*s.* 7½*d.* per gallon; in 1849 it was reduced to 15*s.*; the quantity consumed rose from 1,013,400 gallons, to 2,187,801 gallons; and the duty from 1,031,217*l.* to 1,640,488*l.* The paper duty in 1821 was 3*d.* per pound; in 1849 it was only 1½*d.*, and the quantity used rose from 48,204,927 lb in the first to 132,133,657 lb. in the latter year. He came now to the Excise duty on soap. In 1821 this was 3*d.* per lb., and the quantity consumed was, in round numbers, 93,000,000 lb., producing a revenue of 1,023,530*l.* After great efforts, they had succeeded in obtaining a reduction of one-half the duty, and the 93,000,000 lb. consumed in 1821 became 197,632,280 lb. in 1849. It was true the revenue only gained to the amount of 3,000*l.*, the increase being from 1,023,530*l.* to 1,026,080*l.*; but what had been the comfort to the consumer in this reduction of duty upon that which was one of the necessaries of life? The Resolutions of which he had given notice were declaratory ones. The first was :—

> "That whilst the agricultural produce of wheat, barley, oats, and other grain, and oxen, sheep, goats, and other animals are admitted, duty free, to compete with similar productions of the United Kingdom, it is both impolitic and unjust to the country, and to the agricultural interests especially, to continue duties of import on articles of foreign manufacture of the same kind and class with those manufactured in the United Kingdom, as by these protective duties on imports the fair competition of foreign manufactured articles with the articles of British manufacture is prevented."

The second Resolution was, however, the only one which he would submit to the House. It was to the effect—That this House will, at an early period, take into its consideration the duties that are strictly protective in the existing tariff on articles of import. If we were to have free trade, let it be carried out in its entirety. He had been a humble instrument in forcing free trade upon the attention of the House, and he thought the agricultural interest had been badly treated by the non-removal of the duties upon every manufactured article. The removal of the protective duties upon manufactured articles ought to have taken place simultaneously with the repeal of the duties upon corn. It was not his fault that they had not been repealed; he had urged it strongly upon the Government; and he believed that if Sir Robert Peel had been allowed to remain in office, and had been supported as he ought to have been, the repeal of these duties would have been effected long since. By the proposal which he now submitted to the House, protective taxation to the amount of 1,340,000*l.* would be abolished. The effect of this would be like sowing seed for the purpose of obtaining a rich and abundant harvest, and an increased quantity of manufactures, which would add greatly to the wealth and prosperity of the country, and at the same time benefit largely the agricultural interest. He had never yet been able to convince the agricultural interest that its members were really manufacturers. Farmers were manufacturers of corn. The machinery by which they produced the article was different in form, it was true, from that employed by other producers; but they were not the less manufacturers on that account. It was, therefore, the interest of that as of other manufacturers to have food and labour as cheap as possible, in order to enable them to compete successfully with the other countries of Europe. England was the largest market in the world, and upon examination it would be found that in regard to cheapness, and in every other point of view, it was superior to that of any in Europe. With respect to the time for agreeing to his propositions, he might be told that the Government was about to bring forward a new Budget, and that it would be wrong for the House to come to any Resolution on the subject. He maintained, on the contrary, that whatever system of finance might be brought in, justice should be done to the agricultural interest, and free trade should be carried out fully and completely. What he wanted to obtain was an assurance that the House and the Government would not allow the agricultural interest to be unfairly or unequally taxed, and by removing those protective duties to which he had referred, they would, while fairly carrying out the principle of unrestricted competition, place the agricultural interest upon an equal footing with other classes of the country.

Mr. MITCHELL, in seconding the Motion, said, the duties mentioned by his hon. Friend the Member for Montrose, were no other than protective duties, and so was another tax which had not been alluded to by his hon. Friend—the duty on wood. Such a tax as that now levied on corn, which only amounted to 1*s.* per quarter, did not require immediate attention; but there were other articles, the duties upon which pressed more severely, and one of the chief of these was the import duty upon tallow, upon which 8 or 9 per cent was levied upon the raw material, and which was then taxed on its manufacture into soap, thus paying a double duty to the revenue. Butter, cheese, and eggs, were articles which entered largely into the consumption of the lower classes, and the repeal of the duties upon those articles would conduce highly to the comforts and well-being of the people. With regard to one particular class of duties embodied in the Resolution of his hon. Friend, he concurred with him in thinking that the very first which this House ought to repeal were those upon manufactured articles imported into this country. It was a gross act of injustice to the agriculturalists to continue to impose duties, amounting to 434,000*l.*, upon the import of foreign manufactured articles; but there was one particular class to which he would call especial attention—namely, the *ad valorem* duties, which amounted in 1850 to 188,000*l.*, and which fell almost exclusively under the head of the 434,000*l.* levied upon manufactured articles. He had presided last year over a Committee which had recommended in the strongest terms the abolition of these duties. That Committee included among its Members the present Chancellor of the Exchequer, a former Chancellor of the Exchequer, and several other high ex-officials, and it was their unanimous opinion that the *ad valorem* duties ought to be at once and entirely abolished. From an answer given by the right hon. Gentleman to a question put to him by the hon. Member for Derby (Mr. Horsfall), on the subject of Customs reforms, he had inferred that the Chancellor of the Exchequer had no intention to carry out the reforms recommended by that Committee, and he should be very happy to have his mind disabused as respected that impression. Reverting to these *ad valorem* duties, he would repeat that they were open to every species of objection. The Committee had before them Sir Alexander Spearman, Sir Thomas Fremantle, and others, all of whom stated that the trouble and annoyance given by their existence was such, that they doubted whether the expense of the Custom-house staff thus rendered necessary was not equivalent to the cost of the duties themselves. These duties placed a very great temptation in the way of the inferior officers of the Customs; for, if they did not conceive the valuation made by the importers was sufficient, they might take the articles at the valuation put upon them, and the Custom-house officers got half the amount which those articles produced above their valuation; while, if they fetched less, the Custom House bore the loss. The system, therefore, afforded a direct premium to the officers to seize the goods, for in no case could they lose, and in many instances they obtained a very handsome profit. Another result of the system was, that the uncertainty entailed by it had taken the trade out of the hands of the respectable merchants and had put it into those of the lowest class of traders, who were the only persons capable of dealing with these Custom-house officers, and of wrangling and disputing with them. He did not wish to bind the right hon. Chancellor of the Exchequer down to any particular time of introducing the changes to which he had alluded, but he certainly thought they should be made in the course of the present Session.

Motion made, and Question proposed—

"That this House will, at an early period, take into its consideration the Duties that are strictly protective in the existing Tariff on articles of Import into this Country, both of manufactures and agricultural produce, with the view of speedily repealing the same, as affecting unfairly every interest in the Country."

Colonel SIBTHORP said, old birds were not to be caught with chaff. He had listened to the hon. Member for Montrose, but he was too old a soldier to trust an enemy in his camp—one too much given to setting spring guns and steel traps for the unfortunate farmers. The hon. Member for Montrose had said he was a free-trader. Now, he (Colonel Sibthorp) told that hon. Gentleman distinctly that he (Colonel Sibthorp) was no free-trader. He was against free trade. The hon. Member for Montrose now, for the first time since he (Colonel Sibthorp) had the honour of sitting in that House, talked about the injury which the Legislature had done to the farmers. Now, really that was too barefaced. When you had almost killed a man—when you had cut him up—it was too late to call in such a physician as the hon. Member for Montrose—who had come down to the House with a black draught which he (Colonel Sibthorp) was too wise to attempt to swallow. That draught was nothing more nor less than poison—and a most deadly poison too. Those import duties against which the hon. Member for Montrose had spoken, he (Colonel Sibthorp) firmly believed had been beneficial even to that class whose interest he had at heart, at least as much as had the hon. Member himself—he meant the labouring poor. He had always stood up in that House against the foreigner, and in favour of our own people, with respect to import duties. As long as duties were levied on the importation of foreign goods, this great country would be as it ought to be—not the slave of the foreigner. The hon. Member had no doubt, when at school, read of the fable of the sheep and the wolf. His (Mr. Hume's) proposition reminded him (Colonel Sibthorp) of that story. The hon. Member seemed to be desirous of acting the part of the wolf; but he would take good care not to be the lamb. We had a new Government, although he (Colonel Sibthorp) was not very partial to it, and we had also a new Chancellor of the Exchequer, of rather a free-trade cast; yet he believed the right hon. Gentleman's knowledge, judgment, and experience would prevent him from falling into this snare. At all events he (Colonel Sibthorp) would not be the unwary fish to swallow the bait that was held out. The right hon. Gentleman must pardon him, for although he might trust him with his purse, he could not trust him with his vote.

The CHANCELLOR of the EXCHEQUER: Sir, I feel greatly indebted to the hon. and gallant Member who has just sat down, for, if not the favourable, yet the not very unfavourable anticipations which he has formed respecting me. And I feel the more indebted to him because I remember that many years back he exercised his humour upon me with reference to the subject of free trade in a manner that was highly amusing. It was the year 1843, in which it was my lot as President of the Board of Trade to introduce a Bill to legalise the export of machinery, and with the most perfect good feeling I quote the reception which he gave to that Motion. The hon. and gallant Gentleman said, that—

> "The President of the Board of Trade—and I call him the President of the Board of Free Trade—has brought in a Bill to legalise the exportation of machinery. I object to any Bill to legalise the exportation of machinery, but I do not at all object to any Bill for the exportation of the President of the Board of Trade and his Colleagues."

I mention this for no other purpose than that of illustrating the consistency with which the hon. and gallant Member has adhered to his own views; to which I most frankly append an expression that I am myself still of the same opinion as I was then, and that upon the subject of free trade, I cannot recant the sentiments which then made me the subject of his wit. Before noticing the Motion of the hon. Member for Montrose (Mr. Hume), I will notice the observation of the hon. Member for Bridport (Mr. Mitchell). That hon. Gentleman has referred to the answer that I made to the hon. Member for Derby (Mr. Horsfall), and which appears to have been misunderstood; and that misapprehension I wish at once to remove. It appears to have been supposed that I gave it to be understood that, with reference to reform in the management of the Customs Board generally, no Bill would be introduced to Parliament by the Government during the present Session. Now, I did not understand the question of the hon. Member for Derby to have any such extended scope. I believe that question referred, not to the subject of Customs reform in general, but to the subject of the constitution of the Board of Customs; and perhaps the hon. Member for Bridport may recollect that I went on, after answering that question, to detail what had been done by the Government with respect to the constitution of the Board of Customs. With respect to the constitution of the Board of Customs, I stated that I was not in a condition to say whether the decision of the Government with regard to it would entail the bringing in of a Bill by the Government or not; but with regard to the general question of reform in the Board of Customs, that when a decision was come to upon it, a Treasury Minute would be prepared and laid upon the table on the subject; but whether this further question would or would not entail another Bill, no inquiry was made of me, and consequently I returned no answer. Now, with regard to the Motion of the hon. Member for Montrose, the hon. Gentleman certainly wishes to offer me something like fair terms, for he says that if I will accept his principles he does not desire to press the adoption of his Motion on the House. With respect to the adoption of this Motion, I must confess I decidedly object to it, and I trust the House will not adopt it either. The Motion itself I should object to upon the ground which it is often the duty, and the irksme duty, of those who occupy my position to state, namely, that this House ought not to part with the standing revenue of the country until it knows and has determined what the expenditure is to be. That is not only a matter of technical arrangement, but a sound constitutional duty. The first duty of this House is to vote the funds necessary for the public service, and having done that, it is to proceed to consider in what manner the funds for these purposes shall be applied. But the hon. Gentleman says he anticipates the objection to his Motion on the ground that we cannot afford the loss here entailed—a loss amounting to no less than 1,350,589*l*. He says that it will not all be lost, but will react upon the other branches of the revenue and improve it—that it will entail only the loss of a part, and that that part we can very well afford to lose. Now, I ask the hon. Gentleman how he knows that we can very well afford it? He cannot possibly have put together yet the amount of the public Estimates for the year; and I am afraid that when he puts them together he will find that the Exchequer cannot very well afford this loss. I mean to put it to the House that the subject-matter of this Motion must be left to be considered in connexion with the general financial arrangements of the year. It will be for the House to consider, when it has the financial arrangements of the year before it, the whole of the sums that will be required to meet the demands of the public expenditure; and then, if there be a surplus applicable for the remission of taxation, it will be for the House to determine the manner in which to apply it; and on the other hand, if there be no surplus, it will be for the House to consider whether or not it will reduce certain taxes and supply their place by others. But surely the hon. Gentleman will see that it would be most objectionable, apart from any question of the balance between the expenditure and revenue of the country, if we were to amuse ourselves by condemning large portions of the public income. In fact, I have a greater objection to this Resolution as it stands than I should have if it required us to deal with these duties at once. I hope that the House is not about to adopt the practice of living upon trust and credit with the people. Let not the people be left to judge of us in the matter of our legislation by what we promise, but by what we do. The hon. Gentleman asks us to pledge ourselves—

> "That this House will, at an early period, take into its consideration the duties that are strictly protective in the existing tariff on articles of import into this country, both of manufactures and agricultural produce, with the view of speedily repealing the same, as affecting unfairly every interest in the country."

Now, I am not finding fault, in the slightest degree, with the hon. Gentleman's asking, if he thinks it necessary, for an explanation of the opinion of the Government upon this subject. All I hope is, with his great experience of public business, that he is not going to propose—and whether he is about to propose or not, I hope that the House is not going to adopt—the practice of making promises of what it will do, and of what by-and-bye it will proceed to do, instead of resting its character before the country upon its acts and performances, and instead of availing itself of every opportunity which the state of the public finances afford to earn the confidence and approbation of the public by its acts and deeds. But, having dealt with the Motion of the hon. Gentleman, which, I believe—indeed he says—is not his sole object, I have no further ground of quarrel with his proposition. So far as regards his speech, and so far as regards the facts that he has adduced, and the arguments that he has urged to the House, I have really the greatest difficulty in finding anything in which I have the slightest difference with the hon. Gentleman. He has been arguing for the removal of protective duties, and contending that the reduction of them has exercised, as has been proved by happy experience, a most powerful influence in promoting self-reproduction and in restoring the revenue by the energy which it imparts to trade, and by the increased comforts of the people. I certainly am not here to dispute that, and I should almost have ventured to express a hope that now we have reached the time of day when these propositions are not necessary any longer to be sustained by detailed argument in this House, but when they might be presumed almost to take their place among the elementary truths upon which our whole financial and commercial system should be based. But there is another matter upon which, perhaps, the mind of the House is not equally made up, and that is, the question as to what is to be done with regard to minor duties. The hon. Gentleman has called the attention of the House, by the very proper and simple method of classification that he has adopted, to the fact that there is still a very large number of small and unproductive duties in existence. That is a very different question from the duties which produce a considerable amount of revenue. From his statement, there are no less than 213 articles, under the denomination of foreign manufactured articles, charged with import duties, the whole sum produced by which is not quite 91,000*l*; and in addition to this there are 48 more articles belonging to the class of agricultural productions which yield no more than 35,000*l*., so that in fact you have here duties upon 261 articles, yielding you but 125,000*l*. or less than the sum of 500*l*. upon each article. Now it is certainly a material question for the House to consider whether it be worth while to maintain the system of import duties upon articles so unproductive as these. There are, I know, many different opinions on this subject. Many persons think it is desirable to have light and small duties upon such articles, but I confess that I am not among them. I think it is of very great advantage to get rid of nominal duties of all kinds, except in cases where they are levied on bulky articles that are largely consumed, and which bring in a considerable sum to the revenue, such as the case of the small duty now retained on corn, which cannot be dealt with in the same category as other minor duties. Where you speak of small and unproductive duties, I have a strong opinion that it is greatly for the benefit of trade, and a most economical measure of public administration, to get rid of and wipe away altogether such duties. And I say, both for myself and for those with whom I have the honour of acting, that this is no new opinion on our part; for in the year 1845, if my hon. Friend will refer to the 8 & 9 *Vict.*, chap. 12, he will find that a list of articles was given with regard to which a great change was effected, and by that Act a great many articles in the tariff were exempted from duty. Well, whether it be as to minor duties, or as to protective duties, it is quite unnecessary for me to occupy the time of the House in canvassing or criticising in any manner, either the language of the Resolutions of my hon. Friend, or the arguments of his speech, because I entirely concur, I believe without an exception, in the spirit which breathed through them. With respect to some descriptions of articles, I am very glad that he has called the attention of the House to them, because it is not positive fraud or falsehood on the part of the manufacturers that we have to guard against, but there are exaggerated alarms and apprehensions which have the effect of inducing them to imagine themselves, and then to seek to persuade the Government, that when the duties which they regard as a protection are about to be reduced or withdrawn, they are going to be exposed to a crushing competition, which turns out, almost without exception, to have been visionary. Having shown, I hope, that it would be highly inconvenient for the House to adopt a Resolution of this character as being in the nature of a promise to carry a Motion into effect at some future period, with regard to the end which my hon. Friend has in view in raising this debate, I think that the shorter and simpler my adoption of his arguments is, the better. I have no exception to it—no qualification—I regard the removal of protective duties on manufactures the hon. Gentleman does, as an act of justice to agriculture. I regard the removal of duties on the articles of food, which are still liable to such duties (such as butter, cheese, and eggs,) as a matter of considerable importance to the comforts of the people. They must be considered whenever an opportunity may arise, with on the one side every anxiety to give complete effect to free trade, only balanced on the other side by a due regard to the imperative necessity of making an adequate provision for the public service, and by an earnest anxiety to choose, among the many competing claims for the remission of taxes, those, the operation of which is most burdensome to trade and labour, and the remission of which will be attended with the greatest benefits and advantages. Sir, these are the principles upon which the Government at the proper time will approach the consideration of any commercial legislation, or of any financial question, or any matter affecting either our Customs or Excise duties. I concur with the hon. Member for Bridport in thinking that the system of *ad valorem* import duties as such is highly objectionable. Undoubtedly there may be cases where public policy will not allow of it, and therefore I do not mean to lay down any universal or sweeping provision; but I accede to the doctrine that the system of *ad valorem* import duties on manufactured articles is highly inconvenient, that it greatly tends to the demoralisation of the operations of trade, and happily the amount realised from those duties is so little significant that any Government which may hereafter be in a position to approach the subject of their repeal, either as a whole or in part, will find the path to such a repeal far from difficult.

Mr. E. BALL said, that, having always taken an active part in the subject of protection, he was now anxious to address a few words to the House. He had been one of the most active opponents of the system of free trade, and was so still, believing that it had produced much injury; and if he had the power to reverse, amend, or change that system, he would do so. But as it was not in his power to do so, and the position of the question was not such that the advocates of protection could come and ask for a revocation of free trade; it was better to try what could best be done with what he considered to be a very bad measure. After 268 Gentlemen had gone into the lobby of that House affirming the prosperity which free trade had brought to the country, and he (Mr. Ball) had gone out with only 53, he thought the time had not arrived successfully to attempt to reverse the system. Such being the case, it had occurred to him that the next best thing to do on behalf of that important class of the community which had sent him to Parliament was to consider earnestly how best the evil might be checked, and as much good extracted out of free trade as possible; and the only method which had occurred to him was to direct against the Free-traders that artillery they had levelled at the Protectionists, and to call upon them to adopt those principles which they had forced upon others, and so endeavour if they could to prevent further serious injury falling upon them, and alleviate the pressure under which they now laboured. In this view of the case, then, he could not oppose the Motion of the hon. Member for Montrose. Nay, he felt bound to give what little support he could to the Resolution. He would even say more—namely, that if the hon. Gentleman was consistent and honest—and he had no reason to think but that he was—he (Mr. Ball) trusted that he would not shrink from the course he was now adopting, but fairly and manfully carry his proposition to a division; and if he (Mr. Ball) followed the hon. Member into the lobby alone, he was prepared to declare that the only mode of doing justice to the agriculturists was by carrying out the principle of free trade in its fulness to every other interest in the country. He regretted to differ from the hon and gallant Member for Lincoln (Colonel Sibthorp), with whom, until this evening, he thought there had been a harmony of views. He had thought that if we were to have free trade, they all wished it should be universal, and he regretted that the hon. and gallant Colonel was not of that opinion. The hon. and gallant Colonel had observed that the hon. Member for Montrose, by this Motion, was setting "spring-guns." Now, the spring-guns had long been set, and had cruelly wounded the farmer; and those who were the farmers' friends would see how those wounds could best be healed—how their sufferings could be mitigated. Free trade, he repeated, had had a very cruel influence on the farmers, and had wounded the tenantry of this country in a multitude of instances, producing calamities which could never be repaired, and inflicting injuries which ought never to have been dealt out. For free trade ought not to have been commenced upon those least able to bear it, which he contended was the case of the farmers, but upon the manufacturers. He was told that in taking the course he had marked out for himself, with regard to this Motion, he should be opposed by some of his old friends, because a great many of the items referred to by the hon. Member for Montrose were articles of agricultural produce, and because the amount of taxation gathered as import duty on agricultural production exceeded the amount calculated to be received upon manufacturing commodities. "Why," said those friends, "go and strike off such taxation?" Now, what he contended was, that the amount of protection on manufacturing commodities was so large, that it prevented the farmer from getting those goods cheaply—whereas, the duty on the productions of agriculture were so insignificant, were so completely inoperative as protection, that those productions came into this country in spite of the duty. For instance, there was wheat, barley, oats, beans, and maize at 1½*d.* a bushel, and it was perfectly ridiculous to suppose that such a duty would check importation. It could be practically proved to be absurd. He was prepared to support the hon. Member for Montrose, therefore, on the ground that as the farmers of England had been compelled to compete with the farmers of other countries, the former should be allowed to procure their commodities at as cheap a rate as the latter. So to cheapen commodities and diminish prices would only be following out the doctrine which the hon. Member and his neighbours around him were in the habit of preaching. The hon. Member for Montrose had spoken, for instance, of the importance of reducing the duty on leather as a means of cheapening shoes. Might not the advantage of cheap leather be felt by the agriculturists when they paid their bills for harness, and for the other implements of their occupation in which leather was used? In urging these considerations, he (Mr. Ball) took the only course which he believed to be open to him. He was driven to make the best of the position in which he found himself placed by the carrying of free-trade measures in that House. On behalf of protection he had used his talent (of which he might have but little), he had used his time (which had been at the service of the cause), and he had used something of his property. He had used all these for the purpose of preventing and staying the evil of free trade, believing that it had brought great calamity upon our villages and our farmers. But as he knew it was not practicable to recede—as he could not alter the decision of the House of Commons, it was for him to consider how, under all circumstances, he could best act for the welfare of that portion of the community which had done him the honour to send him to Parliament. There were two ways, as it appeared to him, of attaining this end. One was, by cheapening everything. And there was no way by which they could so well cheapen things as by taking duties off things which came to this country from abroad. The late Chancellor of the Exchequer contemplated a boon and a benefit to the agriculturists, for the right hon. Gentleman knew that they had sustained great injury, and he believed that he could not do them greater service than by taking off a portion of the malt duty. The late Chancellor of the Exchequer proposed to take off half of the malt duty; and the present Chancellor of the Exchequer would prove a better one if he did that wholly and entirely which his predecessor had only proposed to do in part. If the present Chancellor of the Exchequer would come forward and say that hitherto parties had compelled him to oppose the remission, but that now he was free to act, and that he was prepared to repeal the whole duty, he would be a better Chancellor of the Exchequer than the last. These were the only two ways by which the agriculturists could be relieved. They must carry out the system of free trade to its full extent. When the manufacturers had free trade, he honestly believed they would be sick of it. He could imagine their saying, when they had got free trade, "Let us forget the past. Let us have an *ad valorem* duty on every thing." He could imagine their crying out, "Abolish direct taxation; let us have indirect taxation." Approving of the first portion of the Resolution rather than the second, he would conclude by saying, that when the manufacturers found the system of free trade applied to themselves, they would not like it much better than the suffering interests connected with agriculture did.

MR. W. BROWN said he wished to inquire of the right hon. Chancellor of the Exchequer whether it was intended to bring forward any Bill in reference to the Customs regulations, so that the trade might not be dependent, as they were now, on Treasury Orders? He would suggest to the Government the great importance and utility of consolidating the Customs Acts, and embodying the regulations of our commercial code in a distinct and well-condensed form. A comprehensive Act, defining and stating its provisions, would confer the utmost benefit on those engaged in carrying on the trade of the country. With regard to the observations the right hon. Gentleman had offered on the question now before the

House, he begged to say that he generally approved of them.

Mr. NEWDEGATE said, he regretted that he could not agree in the course proposed by the hon. Member for Cambridgeshire (Mr. E. Ball), with whom he had long been associated in the defence of native industry; he retained the opinions he had held throughout the struggle on behalf of protection. He felt this to be the more incumbent on him, as he represented a constituency among whom were a large body of manufacturers, who were still protected. Knowing well the sentiments of his constituents, he could not reconcile it to his conscience to betray his duty to them. For years he had denounced the system of free imports—a denunciation in which he had been fortified by the example of the Americans. He had described the application of what was called the system of free-trade to the commerce of this country as an exaggeration, and he believed the country would soon so understand it. It would ill become him, therefore, to urge the Chancellor of the Exchequer to repeal, for instance, the duties on the importation of silks. He did not think the House was in a position to understand the real meaning of this proposed reduction of duty. The hon. Member for Montrose (Mr. Hume) had brought forward, under six heads of the return upon which this Motion was founded, certain articles of foreign manufacture and certain articles of agricultural produce, imported into this country. The amount of duty levied on articles of foreign manufacture appeared to be 434,000*l.* The hon. Member for Montrose had enumerated several trifling articles on which a very small amount of duty was collected. He had said very little about the duty on silk manufactures; but it was at the duties on the importation of silk manufactures that this Motion was aimed. There was a sum of 200,000*l.* duty on silk manufactures, out of the sum of 434,000*l.*, very nearly half the amount. Now he (Mr. Newdegate) knew that the Manchester Chamber of Commerce memorialised the late Chancellor of the Exchequer for the repeal of that duty, in which course they were not supported by the rest of the silk trade in this country. When Sir Robert Peel introduced his financial reforms to the notice of the House of Commons, he went fully into this question of the silk duty. Debating the question with all the information at his command, which he had procured from the Custom House, and the inquiry into the Custom-house frauds, after having originally proposed duties at 10 per cent, Sir Robert Peel raised the scale of duties on silk, and left a protection on silk of 15 per cent. He therefore cited the authority of Sir Robert Peel that these duties should be retained. The French placed from 4*s.* 6*d.* to 12*l.* a cwt. export duty on dyed silk; and if we deprived our manufacturers of their protection, we should expose them to the competition of France as respected the raw material, upon which France placed a further duty of 12*s.* 6*d.* a cwt. He put himself in communication with the trade of Macclesfield and Spitalfields when the memorial was presented to his right hon. Friend, and they all declined to yield the point so long as they were exposed to unfair competition with France. He could explain how it was that the Manchester manufacturers sought to repeal the duties, while the rest of the trade wished to retain them. It should be known, then, that there was a low class of silk manufactured in Manchester, of dark colours; Manchester, somewhat like America, a little remarkable for sharp practice, asked for a repeal of the duty on silk—a requisition, which Macclesfield, Spitalfields, and Coventry, could not understand, as they believed that such a repeal would prove injurious. So he inquired a little into the subject, and found a singular fact in connexion with these Manchester manufactures. He had, perhaps, better read to the House a statement he had received upon the subject. It was as follows:—

> "You will perceive that silk is brought up when dyed some time 40 oz. to the pound weight. Now, this is generally three-thread tram or weft, and when put into a hot liquid the threads open; and by thickening the liquor by shumac and other adulterations of a gelatine substance it gets between the fibres, and is there retained, of course making a piece of silk weigh heavier and feel thicker. It is, perhaps, needless to tell you that this deception does not add to the wearing of the cloth; it is done to deceive the eye and fingers, and not for utility. These are the low silks for which Manchester is famed, and with which they are able to compete with France; but in Spitalfields, Macclesfield, and Coventry, where they use and make light colours and better goods, such as pinks, sky blues, lilac, or more fanciful colours, the silk seldom comes up to more than 14 oz. to the pound, and in darker shades (not black) 16 to 18 oz., and wear the better for it; and upon this system the French goods are made. Now, the hon. free-traders of Manchester care nothing for their fellow-tradesmen in other towns, knowing that they may be able to put more rubbish in, if requisite for cheapness; but other towns making lighter colours could not do it without injury to the colour."

That would explain to the House the reason of the memorial to which reference had been made. Foreigners had found out that there was a good deal more than silk in these manufactures; and when the Manchester manufacturers complained that their export trade fell off, which was not the case with the products of the silk manufacture generally, he would say to these Manchester men, "Put less shumac into your goods." It was proper that these circumstances should be understood, and that neither the Chancellor of the Exchequer nor the public should be deceived as to the causes that created a difference between the goods and opinions of Manchester and those of other places. Now, to touch for a moment upon the general subject. The hon. Gentleman the Member for Montrose had long been contemplating this Motion. [Mr. HUME: For three years.] The hon. Gentleman had moved for the returns, upon which to base this Motion, in one shape; then he moved for them in another shape; on the third occasion he moved for them in a form very similar to that which he has adopted in this; and last year he moved for them in the shape in which they appeared on the present occasion. He could not for some time make out the meaning of all those preparations; but now, however, it was explained. The hon. Gentleman had divided the scale of duties which the late Sir Robert Peel established in 1846, for levying the duties on imported silk manufactures, into five of the different classes of the returns. It was obvious, however, to the House that the variations in Sir Robert Peel's scale in the amount of duty, referred only to different varieties of the same article, and differing only in their relative qualities—such as was the case with silk—that the duty levied must have reference to the value as well as to the denomination of the article. But the hon. Member for Montrose, dividing Sir Robert Peel's scale, has classed the article under five heads, without reference to the fact that the difference was only in quality. [Mr. HUME here made a remark which was inaudible.] He (Mr. Newdegate) fully admitted that the hon. Gentleman did divide the duties, but he divided the scale in such a manner as to render it utterly useless to the Custom House. He certainly hoped that the Chancellor of the Exchequer would negative the proposition of the hon. Gentleman; but to come back to the general question, namely, was it the interest of the agricultural body to support the hon. Member for Montrose? What did that hon. Gentleman propose? He asked the House to reduce the duties upon the importation of foreign manufactures to the extent of 430,000*l.*; but he proposed to reduce the duties upon agricultural produce to the extent of 916,000*l.* Therefore, while he pretended to give the agriculturists a relief of 1*l.*, by diminishing the price of certain articles, many of which they did not generally consume, he deprived them of an absolute protection of 2*l.* upon articles which they certainly do produce. Now, in the face of such facts, having been attached, and still remaining, as he hoped, attached to the agricultural interest, and always ready to vindicate them from injustice, he could not feel justified in giving his vote for the Motion of the hon. Member for Montrose. But the hon. Member for Cambridgeshire (Mr. E. Ball) expressed a hope that the right hon. the Chancellor of the Exchequer would repeal the malt tax, if it were proved that the agriculturists were prepared to adopt and enforce the doctrine of unrestricted competition. Why, was it not that right hon. Gentleman who headed the combination which ousted his right hon. Friend the Member for Buckinghamshire from office because he proposed to repeal half of the malt tax? And if that repeal could not be obtained in favour of the agricultural interest, why was it that he (Mr. Newdegate) should be called upon to vote for the repeal of the duties upon butter, cheese, and such other articles of agricultural produce as Sir Robert Peel had still left protected? Was he to go to his friends in the country, and say to them that this was the way he had served them? Having a moral certainty that the present Chancellor of the Exchequer would not repeal the malt tax, he had consented to the withdrawal of the protective duties upon cheese and butter and other articles of agricultural produce, for no other purpose than to bring things to the dead level of free trade, and with the mere hope that the country would sicken of that system? He certainly held that the country would tire of the present commercial policy. The action of foreign tariffs on our trade would alone effect this; but he did not believe that that result would be accelerated by a policy of retaliation between the interests of this country. Protection was no longer a party question, and, in his opinion, it never ought to have been one; it was not Gentlemen on that side of the House that had made it so; it was made so by hon. Gentlemen opposite. It was made so seven years before the Protectionists moved at all upon the subject, when the Anti-Corn Law League first started into life. He believed that the beneficial effects attributed to that free-trade system had been grossly exaggerated. That exaggeration, however, he would leave to be discovered by the good sense of his countrymen.

MR. J. WILSON said, he had no intention to prolong the present discussion, but he was anxious to reply to the inquiries of the hon. Member for South Lancashire (Mr. W. Brown) with regard to the Custom House Acts, the more especially as the answer of his right hon. Friend the Chancellor of the Exchequer, upon a former occasion, had been erroneously interpreted. He had to inform the House that there were already several Bills in preparation, and that those Bills were already in a very forward state, and only awaited the consideration and sanction of the Treasury, which must be given by a Treasury Minute, which Minute must precede any act upon the part of the Custom-house authorities.

MR. VANSITTART said, for his part he should be highly obliged to the right hon. Chancellor of the Exchequer if he would take off the existing duties upon the articles mentioned by the hon. Member for Montrose; for considering the value which British agricultural produce had latterly began to assume in foreign markets, he thought that the agricultural interest had nothing to fear. However, if the right hon. Gentleman derived a large revenue from the duties imposed upon such articles, he would rather that he retained it, in order the better to enable him by-and-by to remove some of those restrictions which were really injurious to the agriculturists of the country.

MR. APSLEY PELLATT said, that as one of the class of manufacturers who had been benefited by the principles carried out by the late Sir Robert Peel, he wished to state to the House that the demand for flint, crown, and plate glass had increased beyond the anticipations of even the most sanguine free-traders. By means of patent machines the manufacture of crown glass had taken quite a new direction, and it had caused an enormous increase, which, as well as rough plate glass, had been used in new positions, and for novel purposes, never before contemplated, while the price had undergone a corresponding reduction. Justified, therefore, by his experience in this article, he could have no fear of any reconstruction of the tariff which might admit the further competition of foreigners. The English people, relying upon their capital, their industry, and the talents of their workmen, no longer wished to embarrass the progress of other nations by a system of retaliating tariffs. With regard to the question of butter and cheese, there had been recently passed in Holland a law which enabled Belgium, the Zollverein, and France, to send products into that country at somewhere about 2 per cent duty, while English productions were charged 6 per cent. This was done on account of our duty on butter and cheese imported from Holland; if, therefore, these duties did the agriculturists no good, while they excluded some of our manufactures from the Dutch market, they ought surely to be removed. Having been for many years subject to the trammels of the excise, and knowing how much it cramped the springs of manufacturing industry, he was strongly in favour of the removal of the excise upon soap. Its collection was more expensive than that of any other duty. In many of the manufactures in the north of England and Scotland, soap was made under the inspection of the exciseman on one side of the building; while upon the other, where it was used, officers had also to be in attendance to pay the drawback. What benefit could the country derive from having to employ one staff to put the duty on, and another to take it off? Mr. Porter, in his *Progress of the Nation*, stated that there were annually taken out forty or fifty licences to manufacture soap, where the quantity made was so small as not to amount to one ton per annum under each licence. This was, no doubt, done to evade the duty; and the honest manufacturer was thus exposed to competition with the dishonest. At the present moment the English manufacturers imported soap, to meet foreign orders, from Ireland, because it was made cheaper in that country, where there is no duty. He therefore hoped that the Chancellor of the Exchequer would consider the propriety of repealing the soap duty, which did not amount to more than 1,000,000*l.* annually.

MR. HUDSON said, he must deny that the manufacturers of glass sympathised with the expressions which had just fallen from the hon. Member for Southwark (Mr. Pellatt). They were glad to be relieved from the presence of the exciseman in their manufactories; but they hoped that the Chancellor of the Exchequer would not repeal those duties, which at the same time benefited and protected them, and added considerably to the revenue of the country.

Mr. EWART said, that we ought not to take our stand upon what Sir Robert Peel had done, but should consider what he would have done had he been alive now. We should not fix the tariff where he left it, but improve it upon the principles he had bequeathed to us. He had listened with great satisfaction to the speech of the right hon. Gentleman the Chancellor of the Exchequer, because so far as he went his principles were sound; but still he thought that the right hon. Gentleman was rather hard upon those who brought forward such Motions as these, when he said that they were adventurers in commercial legislation, and that they should not let off their pilot balloons until the Chancellor of the Exchequer had brought forward his Budget; for it was well known if they waited until then, they would be told that it was too late, for the financial arrangements for the year had been made; and thus they would have no opportunity for testing the opinion of the House. As a free-trader, he flung away the distinction between agriculturists and manufacturers; he was equally desirous that all duties that were onerous, either to manufacturers or to commerce, should be taken off. With regard to butter and cheese, the attention of the House should be called to the fact, that while the importation of these articles had lately greatly decreased, their exportation had considerably increased. He had a statement from Liverpool, from which it appeared that we were now actually exporting butter and cheese to the United States of America. Last year about 13,000 casks of butter were received at Liverpool from Canada; but this year the United States buyers had swept that market both of butter and cheese. As his correspondent observed, there was a great change taking place in the markets of the world, and a great tendency to equalisation in the price of food all over the world. This was a consummation much to be desired; and under these circumstances he thought it was most desirable that we should reconsider our tariff. There were now a great number of articles in our tariff which yielded very small sums to the revenue, and the duties on which, he thought, should therefore be entirely abolished. For instance, the duties received on apples only amounted to 4,000*l.*; that on boots to 8,000*l.*; on cherries, 253*l.* With respect to eggs, Mr. Huskisson stated, twenty years ago, that the number imported from abroad was 90,000,000; but notwithstanding the great increase which had since taken place in our population, we did not now import more than 115,000,000. The duty on eggs was only 1*d.* a dozen, and did not realise more than 13,000*l.* a year, and he, therefore, thought that this was a duty which might very well be abolished. These were details, by attention to which great benefit might be conferred upon the country. He was glad to see that one agriculturist at least had on this occasion joined the free-traders. He hoped that his example would be followed by others, and that the agriculturists would take their proper position as reformers of our fiscal system. He believed the time was fast coming when agriculture would be acknowledged to be a trade and a manufacture; and when the ideal separation between agriculturists and manufacturers was removed, they would together pursue the common good of our common country.

Mr. PARKER said, he could not understand how, as an honest man, he could be called upon to abandon the principles which he had adopted. He should be surprised if those Members who had lately voted in favour of the Resolution declaring that free-trade principles should in future govern the policy of the country, should so soon recede from it; and if the hon. Member for Montrose divided the House upon this Resolution, he should vote with him. He was surprised, indeed, that the hon. Member should have brought forward such a Resolution, unless he doubted the sincerity of the Chancellor of the Exchequer in supporting the free-trade policy. As, however, he (Mr. Parker) did not understand political chicanery, he should vote honestly, according to the principles he had adopted, and which had lately been declared by a majority of that House to be those which should in future govern the country.

Mr. BRIGHT said, he wished to say a few words in explanation, after the extraordinary statement of the hon. Member for North Warwickshire (Mr. Newdegate). Perhaps some persons would think that was hardly necessary, since the hon. Gentleman was so much in the habit of making unfair and unfounded attacks on manufacturers who lived in the town which he (Mr. Bright) represented. The hon. Gentleman appeared to wish to emulate the course taken by a gentleman, formerly a Member of that House, and who sat for Knaresborough (Mr. Ferrand), and who obtained an unenviable notoriety by his attacks on the manufacturers of this country. The hon. Member for North Warwickshire wished to make it appear that the silk trade of Manchester had a particular interest in the abolition of the duty on that article, which was not participated in by the silk manufacturers of Macclesfield and Spitalfields. The hon. Gentleman was not aware, perhaps, that a memorial on the subject, which was lately presented to the Chancellor of the Exchequer, was signed by a very large number of the silk manufacturers of Manchester, and that not one of them was opposed to the objects of the petition. The hon. Gentleman seemed to suppose that there was no silk manufactured in Manchester, except a coarse article, three-fourths of which was not silk. But the fact was, that the silk manufacture in Manchester, of late years, had extended more and been more prosperous than in any other district; that it consisted of articles of every quality in the trade; and if it was true that the article manufactured was of inferior quality, and customers did not readily come to purchase it, he (Mr. Bright) thought that it would be just the one that would require protection against the foreigner. The hon. Gentleman ought, at all events, to give the manufacturers of Manchester credit for consistency in the maintenance of the principle of unrestricted competition. In the memorial to which he had alluded, it was stated that the silk trade had suffered, because there was an opinion entertained that the English silk manufacturer could not compete with the foreigner, and that their articles were not so good; and they wished that opinion to be destroyed by the repeal of that duty. These manufacturers, who had supported the Anti-Corn Law League, and had besieged that House with petitions for the repeal of the corn laws, were at least consistent when they came and asked that the principle of the tariff of Sir Robert Peel should be carried out, and stated that they were willing to accept the application of that principle to their industry. That principle the silk manufacturers of Manchester had carried out, trusting to their own energy, activity, and perseverance; and they had found those qualities produced the same results, whether they were applied to the manufacture of cotton or to silk. He was sorry to find that the hon. Member for North Warwickshire still maintained what the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had called obsolete opinions; but he was glad to find that the fifty-three who could not be converted had now dropped to fifty-two by the defection of the hon. Member for Cambridgeshire (Mr. E. Ball). He (Mr. Bright) should not have said a word, but that there were persons who might feel themselves aggrieved by the unjust observations upon them which were uttered in that House, unless some one made a fair reply to such unnecessary remarks as those of the hon. Member for North Warwickshire. Before sitting down he (Mr. Bright) wished to ask a question of the right hon. Chancellor of the Exchequer. This was, perhaps, a proper time to put it. It had been stated in the papers that negotiations were going on between the Governments of France and England for the reduction on articles which this country could supply to a large extent, such as coal, iron, and earthenware, and that the French were willing to make reductions in the duties on these articles, if England would be willing to reduce the duties on wines and brandy. He should be glad, as they were now on the question of free trade and extended commerce, if the right hon. Gentleman could give him an answer on that point; and, if there were any papers on the subject, allow the House to see what was doing, for it would be better to strike down the barriers which restrict trade, than to be occupied with increasing our armaments and military expenditure.

The CHANCELLOR OF THE EXCHEQUER said, he was sorry that, in answer to the hon. Gentleman, he had but little to say. There had been, some considerable time ago, communications between the two Governments, but no definite result had been attained. All he could say was, that the subject had not escaped the attention of the present Government.

MR. DISRAELI: Sir, before the House comes to a vote upon this question, I wish to make some few observations. It is my opinion that the cultivators of the soil in this country are subjected to an undue weight of taxation. The late Government, impressed with that conviction, considered a system of taxation with a view to afford a remedy to injustice, or at least to what they conceived to be an injustice. It was their opinion that that remedy was best to be found, not by taking a partial and limited view, by looking to the immediate interests of any class, but rather by considering the principles upon which our general system of taxation was founded. They arrived at the conclusion that they would best benefit the producer by consulting the interests of the consumer. They adopted that opinion, and, considering the whole system of our taxation, they thought it their duty to propose certain measures to the House. I was the organ of the Government on that occasion, when we proposed measures which the House did not think proper to sanction. It is not true that these measures were recommended to the adoption of the House as a new financial system. They were distinctly described to the House of Commons as only the first step. Other steps, and as important ones, were expressed or intimated. We knew that, to enable the House and the country to adopt the policy which we wished them to adopt, it was necessary to make apparently some sacrifices. Nothing in this country or in the world that is great can be achieved without sacrifices. But we were convinced that in time there would be such a general sentiment throughout this great community that the principles upon which the financial policy of the late Government were recommended to the adoption of the House of Commons were sound and beneficial, that we looked with confidence for our justification to the consequences of that policy if it had been adopted. The House of Commons, however, did not think proper to adopt that policy, and we proved the sincerity of our conduct, I hope, by what took place after that vote. We relinquished power—I will not say without a pang—but we relinquished power because we were of opinion that power was valueless, unless it was exercised with the fair and generous confidence of the House of Commons. I, at least, so far as I am concerned, consider that the vote of the House of Commons upon the financial policy recommended by the late Government, of which I was the organ, was conclusive. I have still an undiminished confidence in the principles I then recommended, and the policy I then hoped the House would have adopted. But, so far as I am individually concerned, I have no wish to intrude those opinions on an assembly that has in so formal a manner resolved not to adopt the policy that we recommended to them under those circumstances. I am equally undesirous to invent occasions to harass those who have succeeded us in office, by discussions on financial questions. That I think I, as well as those with whom it is my honour and happiness to act, showed the other night, when an hon. Member opposite brought forward a Motion which we might very consistently have supported, and which, if carried, might have very much embarrassed the Government, but which, although I had that night been accused of a factious proceeding, I was not willing in any way to sanction. The present occasion is one upon which I am called to give an opinion on a subject of the greatest interest as concerning the general principles of our fiscal system, and especially as they affect those whom we believe to have been unjustly treated, and whose interests we are bound to advocate. The right hon Gentleman the Chancellor of the Exchequer has found one great fault with the Motion of the hon. Gentleman the Member for Montrose (Mr. Hume). He says, "What this practical public require, and what this practical assembly should accomplish, is performance, not promise." But what, Sir, is the Resolution which the Chancellor of the Exchequer very properly described as a promise? It is—

> "That this House will, at an early period, take into its consideration the duties that are strictly protective in the existing Tariffs on articles of Import into this country, both of manufactures and agricultural produce, with the view of speedily repealing the same, as affecting unfairly every interest in the country."

Well, now, before I proceed to make a single comment upon that Resolution, let me see how the charge of making a promise, brought against the hon. Member for Montrose by the Chancellor of the Exchequer, is supported. The Resolution of the hon. Member for Montrose does no doubt hold out a policy to the country, and we have to consider, first, is the policy a sound one; and, if a sound one, is it politic at this moment to hold out to the country the promise of it? If the Chancellor of the Exchequer had risen and said, "This is a Motion which, if carried into practical effect, will materially influence the revenue of the country; I am the guardian of the Exchequer of the country; I will not enter into any argument on the subject, but will appeal to the confidence of the House to guard me from these attacks upon the Exchequer; I will not give an opinion; I do not think it my duty to give an opinion on the policy recommended; but I will say at once that I will enter upon no discussion, and I call upon this House to enter upon no discussion on this policy, or this promise of a policy." If he had done this, I could have understood the position of the Chancellor of the Exchequer, and that it might have been the duty of every man in this House to support him. But what is the conduct of the Chancellor of the Exchequer? Declaring that the course of the hon. Member for Montrose is merely a promise, and that a promise without performance is a most dangerous course of Parliamentary conduct, the Chancellor of the Exchequer rises in his place and makes a speech which is one long promise from beginning to end. From beginning to end he has been promising what the Government will do on this particular question, when circumstances and the occasion permit them to deal with it. The whole question of policy is thus opened by the Chancellor of the Exchequer. We have therefore not to consider the Motion of the hon. Member for Montrose with respect to its convenience or inconvenience to the Treasury—which is the position in which the Chancellor of the Exchequer should have placed it—but we are to consider this Motion as a Motion of policy, and of policy alone. Well, I approve of the policy of the Motion of the hon. Member for Montrose. If the principles of policy which the late Government recommended this House to adopt, but which this House rejected—a policy which, some day or other, will be recognised as one beneficial to the community, and advantageous to property, because it considered the interests of industry in their proper sense; if that policy, I say, is not pursued, I must look to the other means that exist to remove that injustice from the cultivators of the soil in this country, to which they are subjected, and under which I believe they are at present suffering. My hon. Friend the Member for North Warwickshire (Mr. Newdegate), who is not, I think, liable to those depreciating observations that have been made with respect to him by the hon. Member for Manchester (Mr. Bright), but who, on this as on all occasions, has shown an admirable consistency, great talents, and unwearying powers of research, has said, "This is a bad bargain for the agiculturists; remove these protective or *quasi* protective duties, and you only take off an amount of 434,000*l.* from the importation of manufactures, while you take off double that amount which is at present imposed upon agricultural produce." Now I say, with great respect to my hon. Friend the Member for North Warwickshire, that the question of industry in this country has got far beyond the question of 400,000 or 900,000*l.* After the immense revolution that has been carried into effect, we cannot cling to the rags and tatters of a protective system. Here is the agricultural class compelled to pay a considerable duty on articles which they wish to use. We cannot be told in answer to that, "You derive a small revenue from certain articles of foreign agricultural prodution." I deny that practically—if we could condescend to enter into these particulars—any of these duties that are levied on foreign agricultural articles are really, in the language of the Motion, of a protective character. They are not strictly protective, they are not protective at all. But I will not enter into the question now, whether the duties that are levied on foreign manufactured articles are protective—and strictly protective I believe they are—but I protest, after the Vote which the House has come to, and after the verdict of the last general election, against the cultivators of the soil being subjected to any duties that are either protective or strictly protective. We have been forced into the consideration of the policy of this Motion by the Minister. If the Chancellor of the Exchequer had risen in his place, and, placing the question on fiscal considerations, had objected to all discussion, this debate might long ago have ceased; but it was because he has objected to the Motion as a Motion of promise, and then has entered into a long speech, which was only a speech of promise, that he has forced us to give an opinion on the policy which he does seem at a distant day to sanction, but which now he meets in a manner that I cannot describe, or even at this moment exactly understand. But this I understand, that, forced to give an opinion—believing that the course recommended is the course which is founded upon those principles which the people and the Parliament of England have sanctioned and adopted—believing that it is a policy which does justice to the agriculturists, I shall vote for the Motion of the hon. Member for Montrose.

Mr. CARDWELL: Sir, with an admirable dexterity which those who have admired the ability of the right hon. Gentleman might not be unprepared to expect, at a late hour, and to a crowded House, the right hon. Gentleman has given a description of the speech of my right hon. Friend the Chancellor of the Exchequer, delivered at an early period of the evening. It would not be right in me to assume that there was any degree of ingenuity cast into the version which the right hon. Gentlemen gave of it beyond what is strictly conformable to Parliamentary practice; but this I say, that my right hon. Friend the Chancellor of the Exchequer may wonder when he hears the version given by his right hon. predecessor of the speech which at an early period of the evening he is supposed to have delivered. The right hon. Gentleman says that if my right hon. Friend the Chancellor of the Exchequer had rested his defence upon the simple position that he was the guardian of the public Treasury, and that at the present period of the financial year it was not right to deprive that Treasury of a sum exceeding 1,500,000*l.*, then the debate might have come to an immediate conclusion, and that at least the right hon. Gentleman himself would not have been found the champion of this Motion. I appeal to those who, at an early period of the evening, were present at this debate, what was the argument of my right hon. Friend. It is true he did not venture to say that the House of Commons shall not only not come to a fiscal Resolution, but it shall not presume to debate—that its Members shall not presume to express opinions as individuals upon a fiscal subject. Have we not been asked by Gentlemen who have spoken—What is the time and what is the opportunity for recommending to the House of Commons the remission of taxes? If we come forward, it is said, at an early period of the Session, you tell us we are premature, for the financial year is not closed, and the Chancellor of the Exchequer is not ready to receive your suggestions; if we came forward at a later period the Chancellor of the Exchequer tells us, "Oh, but the time is passed—the financial year is closed, our arrangements are made —the surplus of the revenue is expended, and the opportunity is gone." That is the complaint now; but what reproaches would be urged against the Chancellor of the Exchequer, who went a long step further than that—who, when a Gentleman of experience and weight in this House, like my hon. Friend the Member for Montrose, brings forward a long list of fiscal cases, which he thinks worthy of redress, and places them upon the notice paper of the House, and invites the attention of Parliament and the country to them, at the proper time and before the financial statement is made, that the attention of the Government may be called to them, and that by the Government and the Parliament they may be considered; saying, at the same time, only admit my principles—only lay down that this is sound legislation; grant me that commercially, and then as a question of finance, I will respect the Treasury, and not call upon the House of Commons to commit itself to a vote; and that, Sir, was the course taken by my hon. Friend the Member for Montrose—what, I say, would have been the charge against my right hon. Friend the Chancellor of the Exchequer, if he had got up in his place, and had said, "You have no business to bring this question before the House of Commons. You have no business to explain your opinions, or ask others to express theirs. I will give you only one answer —I cannot spare the money, and, whether your principles are right or wrong, I will enter into no debate, but will charge you with impertinence for bringing them forward." [*Cries of* "Oh oh!"] The right hon. Gentlemen opposite may well be astonished at that doctrine when it is placed before them in that categorical manner. I am glad to hear their cheers, and I accept it as an argument in my favour. That we should ventilate this subject in debate is not the true objection; but the true objection is, do not commit yourself by any formal Resolution to condemn any portion of your revenue until the time is arrived when you are prepared to give effect to your condemnation and relieve the people from these burdens. The right hon. Gentleman opposite is determined to give a vote in favour of this Motion, and I call upon the House to consider the tendency of the support which the right hon. Gentleman is about to give it. The right hon. Gentleman says it is too late to cling to the rags and tatters of protection; but an hon. Gentleman behind him has expressed a different opinion, if my ears did not deceive me. He has expressed his intention of giving the same vote as the right hon. Gentleman; but he made this candid declaration on the subject:—He said, I do cling to protection, but I want to see the artillery of free trade turned against those Gentlemen opposite, that it may inconvenience them, and that they may be disgusted with it and that so we may get rid of it the sooner. That is not a course which it is convenient to take, nor is it desirable that we should commit ourselves by a formal vote at a time of the year when we are not prepared to give effect to it; and that was the argument which at an early period of the evening my right hon. Friend addressed to the House. When we recollect the inestimable services which my hon. Friend the Member for Montrose has rendered by presiding over the celebrated Committee which reported upon Import Duties, and the fruits which have been reaped from that inquiry, it is not surprising that with his great Parliamentary experience and sagacity he should give his own principles a fair chance, not by pushing the question to a division at a time that is convenient for his party opponents, but by resting satisfied with the assurance that has been given to him by my right hon. Friend the Chancellor of the Exchequer; sure, from his former experience, that the seed is sown in seed time, and will be ripened and brought home in harvest.

Mr. MILES said, he would suggest that the hon. Member for Montrose should leave out the words "with the view of speedily repealing the same," and thereby leave the House full power to consider the subject. It should be recollected that certain articles of agriculture, as, for example, cheese and butter, were deemed to be manufactured articles, and if they were to repeal the duty upon manufactured articles, he saw no reason whatever why the duty upon those articles should not also be repealed. He must vote, if these words were maintained, against the Motion.

Mr. HUME said, as the House was now full, which it had, unfortunately, not been when he introduced his Motion, it appeared right that he should state the position in which that Motion now stood. He could not express too much satisfaction at the manner in which the principles he was aiming to support had been received. It seemed they were all unanimous. The only question seemed to be how they were best to carry those principles out. When he introduced the Motion, he said that, being aware that the right hon. Gentleman the Chancellor of the Exchequer was about to bring forward his financial scheme, he was only anxious to have the assurance that free trade would be carried out still further, and that we should not have those manacles on our free-trade system perpetuated, and therefore, as it appeared now they were all agreed, he would not put the House to the trouble of dividing. ["Oh, oh!" *and* "Divide!"] He asked the right hon. Gentleman (Mr. Disraeli), who had entirely agreed with what he had stated, to let them have a unanimous vote. With regard to the wording of the Resolution, he thought it best as it was, because it insured the removal of inequalities. He was willing to withdraw his Motion—[*Cries of* "Divide, divide!"]—but if hon. Gentlemen were desirous of a division, he should be happy to oblige them.

Question put.

The House *divided*:—Ayes 101; Noes 159: Majority 58.

List of the Ayes.

Annesley, Earl of
Arkwright, G.
Bailey, C.
Ball, E.
Bass, M. T.
Bell, J.
Bellew, Capt.
Berkeley, hon. C. F.
Bowyer, G.
Bremridge, R.
Bright, J.
Christopher, rt. hon. R. A.
Clay, J.
Cobbett, J. M.
Cobbold, J. C.
Cobden, R.
Crook, J.
Devereux, J. T.
Disraeli, right hon. B.
Du Cane, C.
Duncan, G.
Evans, Sir De L.
Ewart, W.
Ferguson, J.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
French, F.
Gardner, R.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Greenall, G.
Greene, J.
Greville, Col. F.
Hadfield, G.
Hall, Sir B.
Hamilton, Lord C.
Hamilton, G. A.
Hastie, A.
Hume, W. F.
Kendall, N.
Kennedy, T.
Kerrison, E. C.
Kershaw, J.
King, J. K.
Knox, Col.
Knox, hon. W. S.
Laffan, R. M.
Laslett, W.
Lennox, Lord A. F.
Liddell, H. G.
Lucas, F.
M'Cann, J.
MacGregor, J.
M'Mahon, P.
Mandeville, Visct.
Michell, W.
Miller, T. J.
Moffatt, G.
Mullings, J. R.
Muntz, G. F.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Newport, Visct.
Oakes, J. H. P.
O'Brien, P.
O'Flaherty, A.
Ossulston, Lord
Parker, R. T.
Peacocke, G. M. W.
Pechell, Sir G. B.
Pellatt, A.
Percy, hon. J. W.
Pollard-Urquhart, W.
Repton, G. W. J.
Ricardo, J. L.
Robertson, P. F.
Scott, hon. F.
Seymour, H. D.
Shelley, Sir J. V.
Sotheron, T. H. S.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stephenson, R.
Stuart, Lord D.
Sullivan, M.
Trollope, rt. hon. Sir J.
Vane, Lord A.
Waddington, H. S.
Walcot, Adm.
Walmsley, Sir J.
West, F. R.
Whiteside, J.
Whitmore, H.
Wilkinson, W. A
Willoughby, Sir H.

Wyndham, Gen.
Wynn, H. W. W.
Wynne, W. W. E.

TELLERS.

Hume, J.
Williams, W.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Anderson, Sir J.
Baines, rt. hon. M. T.
Ball, J.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Berkeley, Adm.
Berkeley, C. L. G.
Biddulph, R. M.
Blackett, J. F. B.
Bland, L. H.
Boldero, Col.
Bonham-Carter, J.
Booker, T. W.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Buller, Sir J. Y.
Byng, hon. G. H. C.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Chaplin, W. J.
Charteris, hon. F.
Cheetham, J.
Christy, S.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crowder, R. B.
Dalrymple, Visct.
Deedes, W.
Denison, J. E.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Dundas, G.
Dunne, M.
Ellice, E.
Emlyn, Visct.
Esmonde, J.
Evans, W.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Forster, M.
Fortescue, C.
Geach, C.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Goodman, Sir G.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grogan, E.
Grosvenor, Lord R.
Hanmer, Sir J.
Hardinge, hon. C. S.
Hastie, A.
Heathcoat, J.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Horsfall, T. B.
Hudson, G.
Hutt, W.
Jackson, W.
Keating, R.
Ker, D. S.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull, W. F.
Labouchere, rt. hon. H.
Langton, W. G.
Lindsay, hon. Col.
Loveden, P.
Lowe, R.
Luce, T.
M'Gregor, J.
Malins, R.
Mangles, R. D.
Miles, W.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mundy, W.
Mure, Col.
Noel, hon. G. J.
Norreys, Lord
O'Connell, M.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Patten, J. W.
Phillipps, J. H.
Phillimore, J. G.
Phinn, T.
Pilkington, J.
Pinney, W.
Portman, hon. W. H. B.
Price, W. P.
Ricardo, O.
Robartes, T. J. A.
Russell, Lord J.
Sadleir, J.
Sawle, C. B. G.
Scully, F.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Sheridan, R. B.
Sibthorp, Col.
Spooner, R.
Stanley, hon. W. O.
Stapleton, J.
Stirling, W.
Strutt, rt. hon. E.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Tollemache, J.
Tufnell, rt. hon. H.
Turner, C.
Vansittart, G. H.
Verner, Sir W.
Villiers, rt. hon. C. P.
Warner, E.
Wickham, H. W.
Willcox, B. M.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

CROWN SOLICITORS (IRELAND).

MR. J. D. FITZGERALD said, he begged to move for copies of the Treasury Minute of 1842, relating to the appointment of Crown Solicitors in Ireland. Late in the month of December last, the late Government appointed to the office of Crown Solicitor (an office unknown in England) for the Leinster Circuit, a gentleman of the name of Kemmis, whose father and grandfather had held it before him. The resignation of the late Government occurred just at that time, and it was not till a fortnight after their resignation that it was known they had thus appointed Mr. Kemmis. That gentleman held an office which entailed upon him a great deal of responsibility—he was public prosecutor, and his office was one, in other respects of importance. The complaint was not merely that Mr. Kemmis had been thus appointed, but also that he, a barrister, should fill an office which according to the Treasury Minute ought to be filled by a solicitor, and that the outgoing Government, on the timely resignation of the late Crown Solicitor of this circuit, appointed his son, and increased the salary to be received by the latter to 1,900*l.* a year. This excited considerable surprise on all sides in Ireland; and a very respectable body, known as the Incorporated Society of Solicitors and Attorneys, presented a memorial upon the subject to the Irish Government. It was in fact suspected of being what was called "a job." He consequently wished to elicit the circumstances under which Mr. Kemmis, the elder, was induced to resign at the critical period he did. The question now was whether this office had been properly and legally filled up; and it was with the view of testing the propriety and legality of the transaction that he was induced to ask the Government to lay upon the table the papers to which he had referred. In his opinion the matter savoured of nepotism, for it was certainly open to objection that an office of this kind was to be entailed, as it were, upon a single family, and that when a Government went out, the office was to be filled up by the nomination of a member of the same family.

SIR JOHN YOUNG said, the hon. and learned Gentleman appeared to have two objects in view in making this Motion. One was to ascertain whether this appointment had been legally made, and the other the precise day on which it was made. On the first point he had to inform the hon. and learned Gentleman that the memorial to which he had referred was now under the consideration of the Lord Lieutenant and the Law Officers of the Crown in Ireland. With regard to the second point, he was quite ready to produce all the papers which bore upon it; but he would prefer not giving the correspondence referred to, inasmuch as it was not exactly of the character of public documents.

MR. NAPIER said, he had no wish to oppose the production of any of these papers; on the contrary, his desire would be that every one of the documents in question should be laid on the table of the House. With regard to the correspondence between himself and the Treasury, he held no correspondence but what passed before the Government resigned, and while he held the office of Attorney General for Ireland. What were the facts of the case in regard to the office in question? They were these. The office of Crown Solicitor for Dublin and for the Leinster circuit had been held by the same party from the year 1801. Before that time a gentleman named Morrison, a barrister, and Mr. Thomas Kemmis, were Solicitors of all Ireland, and the appointment was made to them and the survivor of them. After that a change was made in 1801. It was then thought advisable to have the whole of Ireland placed under one solicitor; and then there was a solicitor appointed for each circuit; but the Leinster circuit was connected with the Dublin district, and given to Mr. Thomas Kemmis and Mr. William Kemmis, and the survivor of them. They were appointed in 1801. Mr. William Kemmis in the middle of November, 1852, tendered his resignation of that branch which included the superintendence of the Leinster circuit. He had been fifty years on the Leinster circuit, and was now an old man. When the Earl of Eglintoun became Lord Lieutenant he laid it down as an inflexible rule never to receive any kind of communication with regard to a public office in Ireland until it became vacant. The Earl of Eglintoun received the resignation of Mr. Kemmis, and as the appointment rested with the Lord Lieutenant, of course it was his duty to nominate a successor. Having consulted him (Mr. Napier) on the subject, he recommended to the Lord Lieutenant in the strongest manner Mr. Thomas Kemmis. That gentleman left the bar in 1843, and went into his father's office, giving his exclusive attention to the business which was transacted there until November last. He had practically conducted the business of the office for the last ten years, and the fact that he was a barrister was much in his favour. The hon. and learned Gentleman (Mr. Fitzgerald) should remember that the right of the Crown to appoint its own solicitor was not taken away by the Act of Parliament. If any one could show that there was in Ireland a man more competent to fill the office than Mr. Thomas Kemmis, then he would own, but not till then, that the appointment ought not to have been made. As to the law of the case, his own opinion was that the appointment was perfectly legal, and that the Crown had a perfect right to appoint whom it pleased; and the result really was, in this instance, that 300*l.* a year was saved. The appointment, moreover, had the sanction of the late Lord Chancellor of Ireland, who had filled so many important offices in that country.

MR. FITZSTEPHEN FRENCH said, as a personal friend of Mr. Thomas Kemmis, he wished to say that no one could question the efficiency, integrity, or honour of that gentleman, and he believed that by no one could the duties of the office in question be performed more efficiently.

MR. J. D. FITZGERALD, in reply, said, perhaps he had used too strong a term when he spoke of this being a job; but what he meant to convey was that this appointment had not been made public for nearly a fortnight after the late Ministers had resigned office. Although he had listened attentively to the right hon. and learned Gentleman (Mr. Napier), he (Mr. Fitzgerald) did not hear him state when this appointment was made. When the documents were produced, he believed he should be able to show that the appointment was made in the interval while the late Ministers were holding their seals of office previous to their successors being appointed.

Copies *ordered*—

"Of the Treasury Minute of 1842, relating to the appointment of Crown Solicitors in Ireland, the Treasury Minute or Minutes relating to the newly-appointed Crown Solicitor for the Leinster Circuit, his Salary and Allowances; and of the Warrant, Order, and other documents making such new appointment:

"And, of the several Minutes or Warrants for the appointment of Crown Solicitors on the Home and Connaught Circuits, in respect of vacancies occurring in or since 1842."

BLACKBURN ELECTION.

SIR **JOHN SHELLEY** said, he would now move that the Minutes of the evidence taken before the Select Committee on the Blackburn Election Petition be laid before this House. He made this Motion at that late hour upon the understanding that the debate would be adjourned until Monday, when this Motion and the others of a similar character that stood in his name could be made an Order of the Day.

MR. **DEEDES** said, the question involved in the Motion was a very important one. It could not be disposed of at that late hour, and he should therefore move the adjournment of the debate until Monday.

MR. **SOTHERON** said, on the adjournment he should persist in moving the following Amendment:—

"That in all cases when the seat of any Member has been declared void by an Election Committee on the grounds of bribery or treating, no Motion for the issuing of a New Writ shall be made without previous notice being given in the Votes."

LORD **JOHN RUSSELL** said, perhaps the decision in one case would be taken as a decision in the whole, but it was too late to go fully into the matter then. If, therefore, the debate was adjourned until Monday, he would use his influence to have it placed amongst the first Orders of the Day.

Debate *adjourned* till *Monday* next.

GOVERNMENT OF INDIA.

MR. **BAILLIE**: Sir, I wish to ask the noble Lord (Lord John Russell) the question of which I have given notice. The noble Lord is probably aware that the Committee now sitting on Indian Affairs will not be able to make a final report until a late period of the Session. The question that I wish to ask, therefore, is, whether it is the intention of the Government to legislate for India, permanently, during the present Session; and, if so, whether the noble Lord is able to state when the Bill for that purpose will be laid on the table of the House?

LORD **JOHN RUSSELL**: Sir, in answer to the question of the hon. Gentleman, I have to state that it is the intention of Her Majesty's Government to introduce a Bill in the course of the present Session for the government of India—I do not say the permanent government, but for a period to be named in the Bill. I cannot at present state exactly the time when the Bill will be introduced; but due notice will be given, and due time will be afforded to the House to discuss a Bill of so important a nature before the end of the Session.

MR. **HUME**: Will the noble Lord allow me to ask a question on this subject? The Committee, I understand, have laid down eight heads for inquiry; but up to the close of last Session they had only finished one of these heads. I therefore wish to know whether, the Committee having laid down a plan for their investigations, it is the intention of the Government to bring in a Bill and pass it before the inquiry has been concluded?

LORD **JOHN RUSSELL**: In answer to the question of my hon. Friend, I can only repeat what I have already said, that it is the intention of the Government to introduce a Bill for the government of India in the course of the present Session.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, March 4, 1853.

MINUTES.] *Took the Oaths.*—The Lord Rosebery.

FOREIGN REFUGEES.

LORD **LYNDHURST**: My Lords, I rise to occupy but for a very few moments the attention of the noble Earl opposite (the Earl of Aberdeen) upon a subject in which I feel a deep interest. It is a matter of public notoriety that great irritation prevails in the capital of the Austrian dominions, and throughout the whole of that country, against the people and Government of England. So far has it been carried, that I understand the Austrian Government have just considered it right to appoint a police force to protect the residence and person of our Ambassador from insult and attack. Though, from recent circumstances, that irritation has been greatly increased—I allude to those painful and deplorable events which have lately occurred—yet this irritation owes its origin, no doubt, to the asylum we have afforded to foreign refugees, and to the manner in which they have been permitted to abuse the protection afforded them by this country. Their conduct in this respect, as everybody sees, has been most scandalous; and the impression I believe prevails abroad that there are no means in this country adequate for the purpose of punishing them. If that were really the case, it would be incumbent on the Government of this country to consider whether it would not be proper to introduce some law for that purpose; but I do not think so ill of the common law of this country as to suppose that it would leave offences of this description without providing the means of adequate punishment; and I feel it to be my duty to state my opinion on that subject, which I do with great deference, in the presence of noble and learned Lords, who will correct me if I am erroneous in what I state. I will first take the case of British subjects. If a number of British subjects were to combine and conspire together to excite revolt among the inhabitants of a friendly State—of a State united in alliance with us—and these persons, in pursuance of that conspiracy, were to issue manifestoes and proclamations for the purpose of carrying that object into effect; above all, if they were to subscribe money for the purpose of purchasing arms to give effect to that intended enterprise, I conceive, and I state with confidence, that such persons would be guilty of a misdemeanor, and liable to suffer punishment by the laws of this country, inasmuch as their conduct would tend to embroil the two countries together, to lead to remonstrances by the one with the other, and ultimately, it might be, to war. I think my noble and learned Friends who are now assembled here, and who perform so important a part in the deliberations of this House, will not dissent from the opinion I state with respect to British subjects. Now with respect to foreigners. Foreigners residing in this country, as long as they reside here under the protection of this country, are considered in the light of British subjects, or rather subjects of Her Majesty, and are punishable by the criminal law precisely in the same manner, to the same extent, and under the same conditions, as natural-born subjects of Her Majesty. In cases of this kind, persons coming here as refugees from a foreign State, in consequence of political acts which they have committed, are bound by every principle of gratitude to conduct themselves with propriety. This circumstance tends greatly to aggravate their offence, and no one can doubt that they are liable to severe punishment. I will put the case in another shape. The offence of endeavouring to excite revolt among the subjects of a neighbouring State is an offence against the law of nations. No writer on the law of nations states otherwise. But the law of nations, according to the decision of our greatest Judges, is part of the law of England. I need therefore say no more with reference to the nature of the offence imputed to those individuals—I need say no more than that they are subject to be punished by the laws of this country for offences of this description committed by them. But there is a question connected with this subject of considerable difficulty, and that relates to the evidence by which a party can be convicted. Here, I admit, there is a very serious difficulty. It is not sufficient that the offence should be notorious to the world;—you must have such evidence to support the particular charge as shall be admissible before our tribunals. For instance, proclamations have been dispersed throughout Lombardy—printed proclamations—purporting to be issued from London by a person whose signature, under the name of "Mazzini," was attached to them. Supposing that to be so, it is not sufficient to render these documents admissible in a court of justice. They are not of themselves evidence in support of the charge. You must bring that home to the individual—you must show that those proclamations were issued by his direction. You must further show that they have been issued from England, and that they have been so in consequence of some act, committed in England by the person charged, authorising that issue. In illustration of this, let me refer your Lordships to a matter which has recently occurred—which has occurred within a few days. Proclamations were found in great numbers in Milan, in Lombardy, purporting to be signed by Kossuth. From the purport of that document any one would infer that it had been written and issued in this country; and as Kossuth has lived a considerable time in this country, and is now resident here, it might be supposed by a person unacquainted with our laws, that this was evidence sufficient to fix the charge on Kossuth. But what turns out to be the case? That the document was written two or three years ago, not in England, but in the Turkish dominions. It was sent by Kossuth to Mazzini; it was handed over by Mazzini to another person, who altered two or three passages, and who then printed and published it in the name of Kossuth. That would be no evidence in this country that Kossuth had been guilty of any offence, or had issued any such proclamation. I must remind persons not acquainted with the laws of our country—foreigners—that we have a rule, which I believe is not acted upon in other countries of Europe, that when a party is charged with an offence, you cannot interrogate him as to that offence; you cannot put interrogatories to a party accused. This is the inflexible rule of English law. Even when the safety of our Sovereign is at stake we do not attempt to infringe that law. There are other difficulties which interfere with the proof in attempting to bring home charges of this description, when the parties act with prudence and caution, against the individuals who are supposed to be guilty. I mention this as an excuse for the Governments for the time being not having brought these individuals to justice. That there is sufficient evidence against them, I cannot undertake to say; but this I think necessary—I think the Government ought to use great vigilance and great activity for the purpose of endeavouring to obtain evidence in order to convict parties who are guilty of these offences, and to restrain the commission of such offences in future. I think, with all submission to noble Lords opposite, that this is the imperative duty of the Government for the time being. It is so, because it appears, at least to foreigners, that no such vigilance, that no such activity, has been exercised by the Government: it is because the Government appears to be supine, that foreigners are led by proceedings of this kind to conclude, and that the notion has gone abroad, however unfounded, that we are indifferent to acts of this kind, and that we do not view them with displeasure. Nothing can be more unfounded than imputations of this kind. Every noble Lord whom I now address, every honourable man in this country, will join in the opinion I have expressed. There is one point more to which, with all submission, I would call the attention of noble Lords opposite. It is not sufficient for the Government to say to a foreign State—"Our courts are open to you; obtain evidence of a crime having been committed, bring that evidence into a court of justice, and justice will be done you." I say that is not a sufficient course for the Government to take. In my opinion, in cases of this kind, where foreign States are concerned, and where the offence is committed not only against the foreign State, but against our own, it is the duty of the Government of this country to take the initiative, to institute a prosecution in their own name, and more especially so as they have means of obtaining evidence of the transaction which cannot possibly be obtained by the foreign State. I have thought it my duty to make these few observations as preliminary to the question which I am about to ask—a question of great importance. I have taken a very sincere and deep interest in the subject for a considerable period; and I wish therefore to ask the noble Earl, whether any communications have passed between the Government of this country and Austria, or any other European Power, with respect to the Asylum afforded to Foreign Refugees in England, and to the acts committed under the protection of this country by the persons to whom I have referred?

The EARL of ABERDEEN: My Lords, in answer to the question put by my noble and learned Friend, I have to state, that although communications have taken place respecting the foreign refugees in this country, no demand has been made either by the Government of Austria or by any other State in Europe. I do not deny—I readily admit, with the noble and learned Lord—that a considerable degree of excitement and irritation has prevailed, and does prevail, upon this subject, not only at Vienna, but in other parts of Europe; and I also must say, not only upon the part of the Governments of Europe, but the feeling is largely shared by the people of those countries. My Lords, I must confess that, connecting as they do certain atrocious and sanguinary acts of recent occurrence with the residence of those refugees in this country, the feeling is perhaps not unnatural—but connecting them, as I believe, very erroneously; and therefore I hope that before long that feeling may subside, and be set at rest. I think it right to say that it is not the intention of Her Majesty's Government to propose any new law for the adoption of Parliament upon this subject; and it is not our intention for this reason—because we hope and believe that the law of this country is sufficient to enable us to discharge those duties to friendly and neighbouring States to which we are bound by the international law of Europe.

If indeed it were possible that the law of this country disabled us from performing those duties of paramount obligation, then it might be necessary to consider the subject; but, as I trust, and as has been confirmed by my noble and learned Friend, this is not the case, I hope that we shall be able to meet all that foreign Powers have any right to require without having recourse to any extraordinary remedies, such as have been pointed at. My Lords, if it could be supposed possible that the Government of this country, or the people of this country, had any connivance, or were even indifferent to the perpetration of the acts to which I have alluded, then, indeed, a greater degree of hostility would have been justified than any which has hitherto been shown towards us. I speak not only of that atrocious attempt on the life of an illustrious Prince, the hope of his country, and whose danger has revived all that ancient loyalty and devoted attachment which have so long been the possession of his family, but also of the recent outbreak at Milan, where a few desperate men have been attacking and putting to death isolated individuals, sentries at their posts. These men may, indeed, call themselves patriots, but they are really assassins in disguise. My Lords, I think that any powers such as are supposed to be necessary for the Government of this country to possess would really be injurious to the tranquillity and peace of the country. If such a law as that to which I have alluded should exist, it must either be on the supposition that a discretion would be exercised, and inquiry instituted in every case, before it was carried into effect; and this would naturally lead to difference of opinion between the State complaining and ourselves on the amount of proof required, and thereby lead to very serious differences between us. On the other hand, the only alternative would be a general acquiescence in any such demand; and that would be a state of degradation to which it is impossible for us to submit. But I trust that if foreign Powers are persuaded, not only that the Government, but the people of this country, have no sympathy with any such abominable acts as those to which my noble and learned Friend has alluded, they will be disposed to trust in the good faith, in the sincerity, and honesty of the attempts of the Government to carry that law into effect which we consider to be sufficient for the purpose of preventing them. My noble and learned Friend has alluded to the duty of the Government to take an initiative in these proceedings, and to institute prosecutions at law. Now, I have the satisfaction of informing my noble and learned Friend that Her Majesty's Government have already come to this decision, in case of any such event occurring as to give just grounds of complaint, not to throw it upon the Foreign Minister to institute such a prosecution; but, when a case is made made out sufficient properly to justify legal proceedings against any parties so implicated, the Government will take it upon themselves to carry on such a prosecution, and foreign Powers have already been informed of that determination. I do not know that I need say anything more upon this subject. Lamenting, as we all must, the existence of any cause which should produce alienation and estrangement between Powers that have been long, and desire to be, intimately connected, I do trust that the assurance which we have given, and shall be prepared to act upon, will be sufficient to allay the alarms that have existed.

Lord BROUGHAM said, that he could not avoid adding a few observations to those which his noble and learned Friend (Lord Lyndhurst) had made, as the subject was one of extreme importance, not only in a constitutional sense, but with a view to the great interests of the peace of this country and of other countries. With respect to the law as stated by his noble and learned Friend, it would be presumptuous in him (Lord Brougham) even to accept his challenge by confirming it by his testimony. The authority of his noble and learned Friend—greater than his (Lord Brougham's), or than that of any person in that House—was amply sufficient; and he would venture to say, that there was no lawyer in Westminster Hall who entertained the shadow of a doubt on his proposition—that the law of this country, as it at present stood, was amply sufficient to visit with severe punishment, not only all conspiracies such as his noble and learned Friend had described, but lesser attempts against the majesties or constitutions of foreign nations; he meant even libels against the persons of those Sovereigns or authorities, which, by the law of this country, were offences against the Sovereign of this country and against the municipal law of England. Conspiracy might be tried and prosecuted here, although the place to which the conspiracy bore reference was a foreign country, if the offence was committed in England. They had had a remarkable instance some years ago, when a noble and much lamented Friend of his (the late Lord Ashburton) had been actually put upon his trial, and tried at the sittings at Guildhall, for a conspiracy to do certain acts in a foreign country—in South America—the locality of the conspiracy being alleged to be in England. He (Lord Brougham) would step aside for a moment to remark, that a greater and more flagrant example of the evils of the system of grand juries without a public prosecutor he was hardly acquainted with than that very instance, when that prosecution could not have taken place if a responsible public prosecutor had had the charge of it. The law here was amply sufficient to punish offenders who might conspire here to commit offences in Milan, Vienna, Berlin, or in any other foreign State. With regard to the offence of libelling foreign Princes, in the case of the King *v.* Peltier, the defendant was prosecuted, not by the French Ambassador, but by an *ex-officio* information laid by the Attorney General. Peltier was convicted of a libel on the Emperor Napoleon, then First Consul of France, during the peace, and was only not brought up for judgment by the accident of the war which shortly afterwards broke out; and he (Lord Brougham) entertained considerable doubt whether that was a sufficient excuse for not calling the defendant up for judgment. The law, therefore, was quite sufficient. But, as had been well observed by his noble and learned Friend, it was the fact that was deficient, and not the law—the difficulty of getting evidence, the difficulty of finding the means of prosecuting to conviction, without which a prosecution would do more harm than good to the parties who were anxious that a prosecution should take place. The consequence of such a prosecution was practically this: a long day's work in the Court, consisting in great part of an able, and eloquent, and most powerful address to a jury, aggravating every topic contained in the libel, and offering all sorts of excuses in justification of the conspiracy charged; and that went forth to mankind with ten times greater force than the original libel itself, with greater force than the rumour of the conspiracy itself. It went forth with all the force of being a part as it were of a judicial proceeding, the speech of counsel being in the mind of the vulgar confounded with the proceeding itself. And then came the difficulty of obtaining the verdict of a jury—sometimes the difficulty of making the jury give any verdict at all. In that case they were discharged; and the prosecution fell to the ground. In the other case there would be a verdict, after all the abuse of the libel, and all the effects of the conspiracy, had been aggravated by counsel; and the result of the whole was worse than if no verdict had been pronounced, or even than a verdict of acquittal. All those parties who advised prosecutions in such cases ought to look to the possible result; and all those who urged the prosecution ought to look at what they would get by such a proceeding. He had taken the liberty of making these observations because they were practical, and it was only that quality which gave them any value. Another equally practical remark was called for by the statement of the noble Earl at the head of the Government, and it was the only point which he had omitted to dwell upon. It was contended here that the law, as it at present stood, was sufficient. Our foreign friends and allies did not think so. They would fain in some particulars have an alteration. His noble Friend had given an answer on that point quite sufficient to show that no alteration could be hoped for by them at the present time. But what would be the possible result of any such alteration as that desired? Evidently the law which was desired by foreign Powers to be passed by the British Legislature was a law which should enable the Executive Government to drive from this country those unfortunate persons who for one reason or another had taken refuge within the walls, as it were, of our general hospitality. He would not stop to disclaim on the part of their Lordships and on the part of the people of England all participation in those atrocious sentiments that had given rise to the late scandalous and revolting proceedings, which he scarcely knew whether most to reprobate—the successful attempt at Milan, or, God be thanked, the unsuccessful one at Vienna. He believed that the people of this country would be always ready to express with one voice the depth and the extent and the bitterness of their abhorrence of such proceedings. But he would go further and say that he could not believe—that he was bound in charity and in common justice to express his disbelief of the charge—that these unfortunate refugees had been any parties to these atrocious events. But he would suppose, for argument's sake, that which in point of fact he did not believe, that the refugees in this country had conspired to send assistance abroad, or even had been at the bottom of the attempted assassination; he would suppose—which he could not in common charity and fairness and justice to these poor people believe—that they were not innocent of the charge of having joined in a conspiracy or rebellion, and, still more, of having joined or set on a murderous assassin—the question would be of a law, and the execution of that law, which should enable our Government to drive such persons from their refuge here to a far distant land. Suppose the Government had the power, under an Alien Act, of driving them out of the country, and evidence should be produced which should justify our Government in ordering them away—where could they go to? They could not go to the continent of Europe. That was quite clear. The moment they were driven out of this country there would be no rest for the sole of their foot on the continent of Europe. They would be driven across the Atlantic. Would that put an end to their suspected conspiracies? Would that put an end to the sending of succour to Europe, or the sending of assassins to Europe? It would be the difference between fifteen days' sail and four or five days' sail, and then precisely the same risk would be encountered by these foreign Princes and Governments—if they run any risk. They would run just the same risk after a little delay; and no difference could by possibility be made by the existence and execution of such a law in the prevention of these schemes, whether of murder or conspiracy—the same facilities for conspiracy and assassination, if any existed now, would exist then. He hoped these considerations would have their weight in high quarters, and that the parties interested would see that if they wished for such a change in the law and its execution, it would have no kind of practical effect. The subject was one of paramount importance, and he trusted that the little discussion which had taken place, and, above all, the statement of the noble Earl, would have a decidedly beneficial effect.

Lord TRURO said, that his noble and learned Friend had rendered a public service, by the question he had put to the noble Earl at the head of Her Majesty's Government, as it had elicited from him a declaration that the Government were anxiously desirous to prevent the asylum this country afforded to foreign refugees, being used as the means of aggression and hostility against the government and peace of States in alliance and friendship with Her Majesty. The people of England fully shared these sentiments; and he (Lord Truro) hoped, and had no doubt, that the high character of the noble Earl would secure to that declaration the full credit with foreign Governments to which it was entitled. It was to be feared, however, that an impression had prevailed abroad, that the British Government had been influenced by very different feelings than those which had been expressed—an impression which could only result from the assumption that political combinations were carried on by the refugees in this country, to promote rebellion and revolution in the countries of our allies; and that the Government, if it did not sanction such conduct, at least took no means to prevent or punish it; and that the forbearance upon the part of the Government could be accounted for only upon the supposition either that the law was inadequate to repress the evil, or to punish the guilty parties, or that the Government viewed with indifference the annoyance which the individuals we protected, inflicted upon our allies. Although such inferences might not be unnatural in the absence of correct information upon the subject; still, before any feeling of displeasure should be entertained towards this country, or its Government, justice required that the real cause of the absence of legal prosecution in respect of the conduct complained of, should be calmly investigated.

It was said that if the law did not afford protection to our allies, the defect ought to be supplied; but it had been most correctly stated by his noble and learned Friend, that the existing common law of England is fully sufficient to punish individuals, whether refugees or British subjects, who should adopt any conduct in England calculated to give just offence to foreign Powers in amity with this country, and to excite them to hostilities against us, and equally to punish those who should excite or endeavour to promote revolution and rebellion by the subjects of those Powers. There is no doubt but that there are many refugees in this country who entertain very hostile feelings toward their own Governments; but the power of those persons by any acts they can perpetrate in England to cause any mischief to such Governments is at least very doubtful; they are, in truth, destitute of all means to effect any such evil intentions which they may form. The rumours and complaints founded upon the assumption of combinations and conspiracies by the refugees in England to disturb the peace of the Continent, I know, were the subject of the anxious attention of Lord John Russell's Government, and every practical method, I am confident, was pursued which was calculated to ascertain the reality of the existence of any such associations, but without the discovery of any circumstances justifying the assumption, which was as generally adopted by our foreign neighbours; and I firmly believe that the transactions which have caused annoyance to some of them, did not originate, nor were promoted by any acts done, in England, as it seems to me that if any such acts had taken place, they could not have eluded detection; and there is not the slightest reason to believe that any circumstances have come to the knowledge of the British Government, nor any information furnished by any foreign Government or their agents, which would sanction the prosecution of any individuals here; and regard being had to these facts the more reasonable supposition is, that no such confederacies or conspiracies have been carried on in England; and the true answer to the inquiry why prosecutions have not been instituted is, because there is no evidence that any crimes have been committed which could properly be made the subject of prosecution. The fact that addresses, proclamations, or other mischievous productions have been circulated abroad, purporting to be dated and to have come from England, does not at all impeach the conclusion I have stated; because it is obvious that it would be a principal object with the authors and disseminators of those productions to give a false venue to their creation, in the hope of misleading the Government interested in the inquiry, as to the direction in which search should be made for the offending parties; and in furtherance of the same view, acts really done by individuals who were personally within the reach of those Governments would be ascribed and pretended to have been done by individuals who were in England, or elsewhere beyond its power. Further, the disaffected abroad would be likely to offer encouragement to their associates by false representations of the activity and means used by absent refugees in aid of the common design, wherever residing; and, most of all, of the refugees residing in England, who would be the least exposed to inconvenient consequences by reason of such misrepresentations. The refugees in England who are supposed to be the most hostile to their own Governments, are well known, and they are poor and impotent in respect of any such means as are necessary to render them worthy to excite attention or apprehension in regard to the mischief they can accomplish, however much they may be disposed to abuse the hospitality afforded to them. Even excluding the obligations of good faith, it is impossible to assign any rational motive or interest which the British Government can have in forbearing to enforce the law against any refugees who can be proved to have violated it; and the English public would certainly deprecate a neglect of their duty. Good faith to our own allies, and regard to our own interest, however, are equally inconsistent with the giving encouragement to the prosecution of the machinations imputed to the refugees in this country. England gains by the peace and prosperity of her allies, and she has alike the disposition and the motive to cultivate their confidence and good will: these sentiments are strongly entertained, both by the Government and the people of this country, who are well assured that rebellion and anarchy in the States of our allies, never can be advantageous to the political or commercial prosperity of England; and while the British soil yields a temporary home alike to sovereign fugitives from rebellion and revolution, and to refugees who fly from prosecution for political offences, it is a solemn and bounden duty on the part of all who seek protection here, to forbear from any conduct tending to excite enmity against us on the part either of Governments or people. But to commence prosecutions in the absence of any evidence of guilt, would be grossly unjust to the individuals, and would convert a pretended asylum to all who should obey our law, into a snare and a fraud; and, further, policy is decidedly averse to such a course. An abortive political prosecution is generally mischievous in its effects, by furnishing a public occasion for justifying or palliating the imputed misconduct, and often thereby does more injury to the cause which it was the object of the prosecution to benefit, than the conduct complained of was calculated to effect, and it produces one certain evil consequence, that of showing the precise limits of the power of the law, and exposing the difficulty of detection, and the means of evasion. It is to be hoped that our allies will calmly consider these matters, and that such consideration will remove any feelings of displeasure and distrust which may have existed towards this country; and that the kindness and cordiality which may have been suspended, will be restored by the correction of the erroneous opinion that the Government or the subjects of this country, either encouraged or were indifferent to conduct offensive to our allies, when in truth the British feeling has been decidedly hostile to such conduct, if really pursued.

The LORD CHANCELLOR said, that though this conversation was somewhat desultory, and most irregular, and although the subject had been almost completely exhausted, not only by the very able address of his noble and learned Friend who put the question (Lord Lyndhurst), but by the speeches which had subsequently been made, he should think that he was not discharging his duty if he did not rise merely for the purpose of excluding the notion that he dissented from anything that had been said by his noble and learned Friends. He fully concurred with them in the belief that legislation would be as useless as it would be impolitic, and that the present law gave ample powers to do all that the law ever could enable to be done. Such legislation would be useless, because, as had been already said, the difficulty was not in administering the law, but in finding out the objects against whom it was to be administered. Now, did any such objects really exist in this country? All the reasonings of foreign countries on these subjects assumed the facts to be of a particular description, and then they reasoned upon the conduct of the British Government in not acting upon that state of facts. It must, however, be mere speculation that there were such criminal proceedings as were supposed in this country. How could it be that large bodies of men could associate here without the facilities derived from a knowledge of our language and laws, which might enable them to evade the detective eye of the police, and that they could conduct their proceedings without discovery for one, or two, or three years? Was it probable that no Government, with all its emissaries, should have been enabled to detect these persons? Why, it was impossible. If, however, the notion once prevailed in Austria, or any other country on the Continent, that these schemes were matured in London, it became the obvious policy of persons acting against the Governments in Austria or other countries to issue proclamations which they dated from London, and which were supposed in foreign States to emanate from this metropolis. He believed this was the solution of nine-tenths of the conspiracies which were supposed to be concocted in London. If so then, even if a law should be passed to investigate these matters in a different way, it would be quite useless, for no detectives could detect that which did not in truth exist. Legislation was therefore out of the question. But was not the law in its present state amply sufficient for the purpose? Fifty years ago the case occurred to which allusion had already been made by his noble and learned Friend (Lord Lyndhurst)—the prosecution of Peltier for libel on the First Consul. Previous to that case an indictment had been preferred, he believed, against a native subject for a libel upon the Emperor Paul. It was held in those cases by Lord Ellenborough and Lord Kenyon that any publication in this country which so reviled a foreign Government as to be calculated to excite that Government to hostility with us, was punishable by the common law of this land. That was the principle then laid down; and then, if the publishing of such a libel could be made the subject of prosecution, *à multo fortiori*, the meeting and assembling of persons who were guilty of many such acts, and the collecting of money for carrying out those acts, must be the subject of prosecution. Therefore, supposing the case to exist, no doubt the actual law was amply sufficient to meet it. The law was not applicable to foreign refugees only; it was a law as applicable to native-born subjects as to foreign refugees, and upon this ground:—The reason why libellers in such cases were prosecuted was not simply on the ground of their having libelled foreign Sovereigns, but because such libels were calculated to create a hostile feeling in foreign States, and to cause a breach of the peace between this country and those foreign Powers; and it was therefore proper and just, when such cases arose, that the prosecutions should be conducted, not by the foreign Governments, who were only incidentally involved, but by the law officers of the British Crown—the laws and peace of this country having, in truth, been attempted to be violated, and such probable violation being the real ground of prosecution. He had only made these few observations in order to add his testimony to that of his noble and learned Friends, and to show that he most entirely and cordially concurred in their opinions. He might say, not only for himself, but also, as he believed, for all thinking and well-disposed persons, that he concurred with his noble and learned Friends in nothing more strongly than in the sentiments of detestation and abhorrence which they had expressed at the outrages which had been committed on the Continent, and which had been supposed, though, as he believed, erroneously, to have been perpetrated by emissaries from this country.

THE GOVERNMENT OF INDIA.

LORD MONTEAGLE then presented a Petition from the Members of the Bombay Association, and other Native Inhabitants of the Presidency of Bombay, praying for an Inquiry previously to the Renewal of the Act for the Government of the Indian Territories, and praying that the Period of continuance granted for the future Government of India should be limited to Ten Years at the most. The noble Lord said that this petition was, in many respects, similar to that presented a few evenings ago by the noble Earl (the Earl of Ellenborough), but it also suggested several new facts, to which he must be allowed to call their Lordships' attention. The petition emanated exclusively, he might say, from Natives connected with the Presidency of Bombay; it was signed by upwards of 2,400 persons; and he believed the signatures on one single sheet of the parchment before him were those of persons representing a property of between 2,000,000*l.* and 3,000,000*l.* sterling. This petition had not been prepared at the instigation or suggestion of any European—it was prepared at a public meeting held at the Elphinstone Institution at Calcutta, and there were not more than three or four of the petitioners who were of English blood. He had lately, much to his regret, known instances in which the claims and representations of inhabitants of India had been undervalued both in that and the other House of Parliament, on the ground that the native petitioners were acting under the guidance of certain grievance-mongers in India or in England. This petition was, however, the act of the petitioners themselves; it spoke their own opinions, and represented their case in their own language; they knew that, as British subjects, they were entitled to appeal to Parliament for the maintenance of their rights in such language as they thought fit to adopt. He hoped, therefore, that on this occasion no disposition would be shown to undervalue or to speak lightly of the petitioners, who were British subjects, and who, in that capacity, appealed to the British Legislature. He did not think there should be any minute criticism of the phraseology of the petition: it was couched in respectful language, and no conclusion could be drawn from it that the petitioners were disloyal to the Crown. The petitioners in the first instance recognised the advantages which they had derived from their connexion with England. While speaking, as they were perfectly at liberty to do, frankly of what they considered the evils of the present law, and the defects of the present system of Indian Administration, they expressed their deep sense of the benefits which India had derived from its connexion with this country, and from many useful laws received from England. They stated, that though they objected to many provisions of the law passed when the East India Company's charter was last renewed, they were aware that the benignant character of the English race had gone far to mitigate the evils of the existing system. When that charter was renewed, in 1833, Parliament had had to discuss the position, the duties, and the responsibilities of the East India Company as a great trading corporation. They had also to consider the monopolies of that Company, the great difficulties which it was enabled to interpose to the settlement of Europeans in India; the opening of the China trade, and the question of more unrestricted commercial intercourse with India. Now, however, though many of these points were settled, other questions were raised, in which he hoped Parliament would take as lively an interest as they had manifested in the commercial affairs which they were called upon formerly to discuss. They had now to consider the great question of the welfare of the whole people of India—the rights and feelings of that people; their moral improvement, as well as of their material interests. He should now endeavour to bring before the House the principal points to which the petitioners humbly craved their Lordships' attention. As it was probable that many of their Lordships had already had an opportunity of perusing a printed copy of the petition, it would not be necessary that he should go over its contents at length; but at the same time it was absolutely necessary that some of the questions referred to should be brought under their Lordships' serious consideration. The people of India considered that in many most important particulars the existing laws were defective, and required to be reconsidered and amended; they were as perfectly aware of the grave responsibility that devolved upon their Lordships, as of the rights that belonged to themselves. The petitioners in the first place complained of the present double system of governing India by the Court of Directors, jointly with the Board of Control. They considered that the combination of these two bodies produced delay and inconvenience; but their objections were, in this respect, less material than on some other points—for what they suggested as a substitute, although it did not precisely partake of the nature of a double government, yet very much resembled it in practice: they proposed to associate with the Board of Control a certain body, to be called "an Indian Council," to act as advisers of the Board. But a more material objection urged by the petitioners was one which resulted from the mode of constituting the Board of Directors. There was no one who had attended their Lordships' Committee now sitting on Indian Affairs, or the Committee which sat twenty years ago, but must be ready to admit that, so far from there being any lack of genius, talent, intelligence, and high and noble principles on the part of the Indian civil service, there were abundant examples of all these endowments; but, notwithstanding this fact, it was well known that the best and wisest of these civil servants were not always to be found among the members of the Court of Directors. When their Lordships recalled the names of the great men who had distinguished themselves in relation to India—the Monroes, the Mountstewart Elphinstones, and the Holt Mackenzies—they would find that none of those gentlemen had ever been elected as members of the Court of Directors. The petitioners, therefore, had a right to expect, on the part of the Legislature, that if they were now about to continue the Court of Directors in its present or in any altered shape, they should at least take some pains to secure for the service of India the highest amount of talent, the greatest amount of experience, the highest moral and intellectual acquirement and knowledge, which could be procured both at home and in India. The petitioners also complained that sufficient pains were not taken to insure the best selection of persons for the civil service of India, and particularly in reference to the judicial service. Their Lordships would remember the impressive words which fell from his noble and learned Friend the Lord Chief Justice (Lord Campbell) on this subject a few evenings ago, when he stated that, from his own experience in connexion with the Judicial Committee of Privy Council, before which tribunal the Indian appeals were brought, nothing could be worse or more discreditable than the administration of the law in many of the inferior courts of India. Was this a state of things which their Lordships could contemplate with anything like satisfaction? And yet the question was not why it should be so, but how it was possible that it could be otherwise? The fact was, that no special education was provided beyond the course of instruction at Haileybury for the student about to enter upon judicial office. No special pains were taken in India to fit him for the efficient discharge of the duties of that responsible position. He believed that the general education provided at Haileybury was excellent; and he knew, upon authority much better than his own, that some of the legal papers which were prepared for the students at examinations were models in regard to the philosophy of law; but these would hardly be effectual, as it was in evidence that while the most distinguished students were draughted off to the political and financial departments of the service, the almost uniform practice was to appoint the least promising and the least informed students to be the future Judges of India. Now, he would ask, was it a fitting and becoming mode of spreading the civilisation and law of England over the whole extent of the Indian peninsula to select for the judicial department, by an ingenious misapplication of the power of choice, those who were least qualified to give effect to the laws and institutions of this country? But this was not all. There was another cause why the functions of judicial officers in that country were not duly administered. The persons who were employed as Judges might be occasionally transferred from other pursuits of a different character—they might have already been, or they might be, named revenue collectors, secretaries, or diplomatic servants. We had in this country great respect for the heads of our financial department; but, what he asked, would their Lordships think if Mr. John Wood, the able chairman of the Board of Excise, were suddenly to exchange places with the Lord Chief Justice of the Court of Queen's Bench; and if exchanges of this sort should happen to form part of our regular system, could any one find words strong enough to express the contemptuous feeling which such a system of things would justly excite? He begged their Lordships to bear in mind also that we were now in the habit of employing Natives as Judges, and that it had been admitted by many of the witnesses that, although till very lately, those Natives filled subordinate judicial offices, being for the most part, till within a few years, Judges of the first instance, from whom appeals were made to their more fortunate European fellow-subjects, it was shown that in many cases they were better Judges, and their decisions had more weight, than those of their European competitors—a result proved by the fact, that when both classes of decisions were brought under review in a common court of appeal, the decisions of the Native Judges were more frequently affirmed than those of the European functionaries. The petitioners also complained that nearly all important posts in the civil administrations of India were exclusively in the hands of the covenanted civil service, that is, of Europeans selected by the Court of Directors. When the Act of 1834 was under consideration, a noble Friend of his, now departed, whose name he could never mention in connexion with India without the deepest respect—he meant the late Lord W. Bentinck—procured the introduction of a clause (the 887th) which declared, that "no native of India, or natural-born subject therein, should be disqualified for office by reason only of religion, place of birth, descent, or colour." And when that clause was passed it was certainly intended that it should confer absolute eligibility on the Natives. Nothing at all events, was suggested to the contrary; and it was certainly supported on that ground. But the result had been that it had been rendered a perfect nullity by the maintenance of the distinction between the covenanted and uncovenanted services. The responsibility for this rested, of course, with the Court of Directors, and not with the Board of Control; because, while the latter were entrusted with supreme political power, even with the prerogative of declaring war and peace, and of directing the whole course of policy for the government of India—even in opposition to the wishes of the Court of Directors — they were restrained from interfering, directly or indirectly, with respect to the patronage of India. He (Lord Monteagle) was of opinion that it might not be altogether judicious to appoint the Natives to the higher political and military offices at once; it would be advisable to advance them by degrees, and in proportion as they proved themselves competent to discharge the duties of the inferior positions which they at present were permitted to occupy. And here, while he ventured to speak of the advancement of knowledge among the Natives of India, and of the fact that many of them discharged important judicial offices to the complete satisfaction not only of their own countrymen but of the Judges of the Appellate Court, he must take the liberty of reminding their Lordships, that from other causes, the India of 1853, with which they were now called upon to deal, was anything but the India with which they dealt in 1830. The Government of India had wisely and justly endeavoured to promote the advancement of Education in our Indian Empire during the intervening period. In Calcutta, as well as in other parts of India, there were Hindu, Mussulman, and other colleges, all thronged with native students; and if their Lordships would take the trouble to look into the appendix of the Report presented last year, they would find in the answers given by native students to the examination papers submitted to them, ample evidence of their high intellectual capacity, their answers being such as would, in many instances, leave something to be learned by many members of our own Universities. He had with him a statement, which, however, he would not trouble their Lordships by reading, of the condition and progress of education in the Presidency of Bombay, from which it appeared that the students were minutely examined in the works of our modern philosophers and our best modern historians. The questions and answers refer to the writings of Hallam, Macaulay, Guizot, and the most celebrated of the German historical writers. Here, then, was a rapid advance; literature was progressing, morals were progressing; and he must be permitted also to remind them, that politics were likewise progressing. There were examinations from *Paley's*

Moral Philosophy, which opened the whole principle of free governments, the results of free governments, and the respective rights and duties of the governors and the governed. All, in fact, that related to the science of government and the laws of nations was placed before these Native youths as plainly as it could be before their Lordships' sons and brothers at Oxford or Cambridge. He believed that if confidence were placed by Government in the Natives of India, they would be found deserving of that confidence. Such, at all events, was the opinion of Mr. Hill, who had been employed in the East India Company's service, and had lived in India for 24 years; that gentleman stated it to be his conviction that the duties of the higher judicial tribunals would be discharged with more efficiency by native Indians than by Englishmen. He (Lord Monteagle) might not go quite so far in his views upon that point as yet, as he still wished that the great Courts of Appeal should be presided over by Europeans. He hoped their Lordships would refer this petition to the Committee upon Indian Territories; and that Committee, he hoped, would see fit to investigate it minutely, treating the reference not as a matter of form, but as a matter of truth and reality. When a petition came to that House from a class of persons not directly represented in either House of Parliament, it was their Lordships' duty to prove, by the attention they were prepared to give it, whether those who addressed them resided in India, Australia, or British North America, that their petition would be received with as much respect, and its prayer be considered with as much deference, as if it had been pressed upon the House by the inhabitants of this vast metropolis, or by the multitudes who carried on the manufacturing or agricultural industry of this country. He begged, then, for this petition their Lordships' serious, attentive, and, he might add, respectful consideration.

The EARL of ABERDEEN had not the least desire to undervalue or to treat lightly the petition which the noble Lord had laid upon the table; neither did he mean to deny that many of the allegations of that petition deserved the most serious attention of their Lordships. The noble Lord would not expect him to refer to any portions of that petition which it was possible might be affected by the measure which the Government proposed to introduce for the government of India; and he would humbly submit, though he had no doubt that the statements of the noble Lord had been listened to with attention and satisfaction by their Lordships, that the proper quarter for the consideration of that petition was the Committee of which the noble Lord was himself a Member. He hoped that before that Committee the noble Lord would press the considerations which he had just addressed to the House with so much ability. He would merely add, that it appeared to him that the greater portion of the subject-matter of that petition seemed to be more fitted for the consideration of the local Government of India than of their Lordships and of the Legislature of that House; but such topics as could suitably engage the attention of the Legislature ought, no doubt, to receive it in the course of the present Session. As the noble Lord had asked to have the petition referred to the Committee, of course to that there could be no objection; on the contrary, he had every desire that the information which it contained should be in the posssesion of the Committee.

The DUKE of ARGYLL did not recognise any peculiar qualification which entitled the noble Lord who had presented this petition to administer a rebuke to any Member of that House with reference to what he might think it necessary to say. He understood the noble Lord to state that it was the right of any body of petitioners to come before that House without having their expressions criticised by a Member of that House. He (the Duke of Argyll) could only say, though he recognised the undoubted right of any body of people to petition Parliament, that it was equally the right and duty of any Member of Parliament to make any remarks upon the terms of that petition which he might think necessary. On reading over the petition which was presented the other day by a noble Earl (the Earl of Ellenborough) from the Presidency of Madras, he observed very many statements which he conceived deserved the most serious consideration of the Government and of Parliament; but at the same time he noticed some individual expressions which he thought pointed to extreme views, and some individual terms which he thought might have been avoided. Though there were many great and real grievances complained of in that petition, which their Lordships and Parliament would be bound to consider, and, he would add, to redress, he conceived, when they came to speak of the organic changes which they wished to be made in the Government of India, that it was important to observe that they used expressions and pointed to views which no House of Parliament and no Government would be expected to sanction. This was the sole object which had actuated him the other evening; and he had not the slightest desire to depreciate the importance of the petition, far less to convey the impression to their Lordships that the prayer of the petition was not worthy of their consideration, or that the grievances complained of were not deserving of their attention.

Petition read; and *referred* to the Select Committee on the Government of India Territories.

House adjourned to *Monday* next.

HOUSE OF COMMONS,

Friday, March 4, 1853.

MINUTES.] PUBLIC BILLS.—1° Law of Evidence (Scotland).
2° Clergy Reserves (Canada).
3° General Board of Health; Office of Examiner (Court of Chancery); Commons Enclosure (No. 2).

WATERFORD COUNTY ELECTION.

MR. W. O. STANLEY appeared at the bar of the House and reported that the Select Committee appointed to try and determine the merits of the petition complaining of an undue election for the County of Waterford had determined that John Esmonde, Esq. is duly elected to serve in the present Parliament for the County of Waterford, and that the said Committee had struck off the names of three persons from the poll as not being qualified to vote.

Report to lie on the table.

IMPROVEMENT OF SEWERAGE.

MR. BUTLER said, in pursuance of the notice he had given, he begged to ask the noble Lord the Secretary of State for the Home Department, whether it was the intention of Her Majesty's Government to introduce any measure for the appointment of local Commissioners of Sewers by the ratepayers of the Metropolis, and whether it was the intention of Her Majesty's Government to introduce any measure for the purpose of enabling the present Commissioners of Sewers to borrow money on the security of the rates?

VISCOUNT PALMERSTON said, the course which he should recommend the House to pursue upon that very important matter would depend very much upon the result of an undertaking which was planned by a private company. There was an association of capitalists, who had either brought or intended to bring, into that House a Bill to enable them to construct two great arterial sewers under the metropolis, beginning at some distance above, and ending at some distance below, London, one on each side of the Thames, which they intended to construct out of their own funds as a commercial speculation. If that project should be approved by Parliament, and carried into execution, it would obviously render unnecessary any loan by the Commissioners of Sewers for the purpose of constructing any great general system; and the decision with regard to what he might call the draining sewers would depend very much upon the result of this undertaking.

CONVOCATION.

LORD JOHN RUSSELL said: In answering the question which was put to me yesterday by the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), I have to state that the Prorogation of Convocation is totally different in its nature and effects from a Prorogation of Parliament. It is the act of the Archbishop, and has the same effect as an adjournment. In fact, there is no such term, I believe, as "adjournment" known to Convocation, and the adjournment of that body has always taken the shape and form of a prorogation. Consequently, the prorogation did not prevent the appointment of a Committee; and the Law Officers of the Crown have found several, if not many, instances of Committees being appointed on the eve of a prorogation. Therefore there can be no doubt as to the legality of the course pursued by the upper house of Convocation. I need hardly add that it is not the intention of Her Majesty's Government to take any measures on the subject.

CLERGY RESERVES (CANADA) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir JOHN PAKINGTON said, that he approached the discussion of this subject with the deepest conviction of the truth and justice of the course he was about to advocate, and under serious apprehensions that he might be unable to lay before the House with the force due to it the merits of the case on which they had to decide; but he should be followed by others who could make ample amends for any deficiency he might labour under, and all he asked of the House on both sides was, that they would attend to the arguments which would be submitted to them. So far as he was concerned, he relied exclusively on what he believed to be the real merits of the question, and he wished no hon. Member to go into the same lobby as himself who was convinced of the truth and justice of the case. He desired to assure the Government and the House that he deeply regretted the necessity of resisting that stage of the Bill. In the present state of feeling in Canada on this subject, he thought it would have been most desirable that it should not have been made the ground of any thing like party purposes. He was very sorry that his sense of duty compelled him now to resist the progress of this Bill, and he must express the deep disappointment he felt that it had been laid on the table of the House in its present shape. After the extraordinary circumstances which marked the debate on the introduction of this Bill, he must say he had had hopes it would have been offered to them now in a different form. He thought he was justified in applying the word "extraordinary" to those circumstances. Let him remind the House who were the speakers who took part in the debate. The Bill was introduced by the hon. Gentleman the Under Secretary of State for the Colonies (Mr. F. Peel); the next speaker was the right hon. Gentleman the Member for Northampton (Mr. V. Smith); and the third was the noble Lord the Member for the City of London (Lord John Russell). Now, what was the language which those hon. Members held? He asked the oldest Member of that House if he could call to mind a case in which a Member of Her Majesty's Government, bringing forward a measure on their behalf, admitted at the close of his speech that the Bill he introduced was calculated to shake public confidence in all religious endowments?

Mr. FREDERICK PEEL said, he must beg to correct the right hon. Gentleman. What he had said on the introduction of the measure was, that it was calculated to shake the confidence felt by the clergy at present supported out of the fund, in the stability of the appropriation of this fund for religious purposes.

Sir JOHN PAKINGTON said, he must of course accept any explanation of the language used by any hon. Member, but he had taken a note of the hon. Member's words, and that note was confirmed by the reports in the newspapers next day. The language of the hon. Member was commented on by the hon. Baronet the Member for the University of Oxford the same evening; and though, as he said before, he was willing to take the explanation of the hon. Member, even on that explanation he must say he thought a Bill was never before introduced with such a statement. The right hon. Gentleman the Member for Nottingham (Mr. V. Smith) had also spoken on a former occasion, and with perfect frankness had repudiated the idea that this Bill only transferred to the Legislature of the Colony the power of altering the disposition of these reserves, and did not, in fact, alter that disposition. The right hon. Gentleman declared most frankly that if the power were given up to the Canadian Legislature the disposition of the property would assuredly be altered, for they most certainly would secularise it. Then came the speech of the noble Lord (Lord J. Russell), who said in substance that the necessity for the measure was a subject of regret to the Government, and that he doubted the wisdom of the proposal. "It was not wise te revive this subject," said the noble Lord on a former occasion; but he added that even were that the opinion of the Government, there were paramount reasons for urging the measure forward. Now it was not for him (Sir J. Pakington) to compare the past inexperienced Government with the practised men who now sat on the opposite benches; but this he could say with confidence, that the late Government did not commence their career by an apology for the indiscretion of their own speeches, nor have prefaced the introduction of measures first submitted to Parliament by such a declaration as that which had fallen from the hon. Gentleman the Under Secretary for the Colonies (Mr. Peel). Sincerely and solemnly as he

(Sir J. Pakington) recognised the honour of taking part in the Government of this country, he would rather forego that honour altogether, than be a party to a measure which required such an apology as that urged by the hon. Gentleman on the introduction of this Bill. But what was the language which he (Sir J. Pakington) had held on that occasion with reference to the Bill? Why, he implored the noble Lord to reflect upon his own Act of 1840; to pause before he decided on the shape which this Bill was to assume, and he begged the noble Lord to consider whether the Crown and the Legislature of this country were not bound to consult and respect the rights of the two Churches of England and Scotland. When he found that the Bill as laid on the table, made no reservation of any kind, but that it exhibited an abandonment of a duty which he held to be imperatively binding on the Government of this country, and a delegation to the Colonial Legislature to deal absolutely in the matter as they should deem fit, he confessed he felt compelled to oppose the further progress of the measure. So unwilling, however, was he to resist the Bill in this stage, that he would waive further resistance to it if the noble Lord would give a pledge that in Committee such amendments should be introduced as would have the effect of guarding the disposal of these reserves, and of fairly protecting the rights of the Church of England and the equitable rights of the Church of Scotland. The broad principle at issue on this question was the principle of religious endowment or of secularisation. If the noble Lord would make no such pledge as that he had desired, he (Sir J. Pakington) was called upon to decide, uncertain as to the results of the Committee, whether he could give his consent to the second reading of the Bill as it stood. According to the forms of the House the Bill must be resisted upon the second reading directly, or not at all; and, if he had no hope of seeing the amendments he wished for introduced in Committee, he had no alternative but to resist the second reading now. In doing so, if the House would favour him with their attention, he would state as fairly and as briefly as he could the arguments involved in the question. The issue was, in fact, a narrow one. It was simply this:—On his side it was contended, and he was prepared to contend, that these endowments had been appropriated by a succession of Parliaments in this country to the support of the Protestant Church in Canada, and to the worship of God in that country according to the Protestant form; that that appropriation was ultimately confirmed and developed, but not made by the Act of 1840; and that it was not open to the Government or the Parliament now to depart from the appropriation so made without a breach of the national faith—and he was afraid he might go so far as to say, without committing a national sin. He did not believe any hon. Gentleman opposite would dispute either the fact or the solemnity of the guarantee on the part of this country; but he was met with the argument that, grave and solemn as might have been the terms of that guarantee, the right of self-government in our Colonies was paramount, and that that consideration overruled the force of all the appropriations to which he had alluded. This was a fair statement of the point at issue, and he should endeavour to show that, however important—he might almost say, sacred—as that principle of self-government was, it did not apply to this case. Before proceeding to that one main argument, however, he begged permission to clear the ground by adverting to two other points which had been brought forward in the course of former debates—arguments which the House would no doubt hear again. The first of these was the point that this Bill was not one for the secularisation of the clergy reserves, but only to transfer the power of dealing with them to the local legislature, and that, therefore, it was a Bill which this House, consistently with its obligations, might and ought to pass. [Mr. GLADSTONE: Hear, hear!] The right hon. Gentleman cheered that observation; but so untenable, however, did this argument appear to him, that he should not have glanced at it had it not been for the pain with which he had listened to what he might call the plausible fallacies on this subject which he had heard from the lips of a Bishop of the Church of England on a former evening in another place. A Roman Catholic gentleman had said to him, after the delivery of that speech, that he did not think it had been possible for any bishop of any Church to make such a speech. He (Sir J. Pakington) entirely concurred in the opinion of that Roman Catholic gentleman; and he would not further dwell upon a speech to which he had listened with the deepest pain, except to say that he thought there was no ground for the supposition of that right rev. Prelate, and those who thought with him, that the House might safely send this property to be dealt with by the Canadian Legislature, and that, consistently with the obligations of this country, that power might be safely granted without committing a breach of our obligations. As he had said before, this idea had been dwelt upon even with ridicule by the right hon. Gentleman the Member for Northampton (Mr. V. Smith). But he would turn to the official language on this subject. It had been remarked that two divisions had taken place in the Canadian Government upon the question, and that a Motion for the secularisation of the clergy reserves was lost by very large majorities. Undoubtedly that was true, and the reason for that might be perfectly well understood. It did not suit the policy of the Canadian Legislature at once to declare that they were going to secularise the reserves; but what did Mr. Hincks say, in the letter addressed to him (Sir J. Pakington) last spring? That letter was a very able one, and was written in a very candid spirit in support of the claims of the Canadian Legislature to the Bill; but Mr. Hincks said candidly that he would not conceal from Her Majesty's Government the strong feeling which existed throughout the Colony in favour of the secularisation of the reserves. But he would appeal also to an expression used by Dr. Rolph, who was now a Commissioner of Crown Lands in Canada, and a Member of the Canadian Government. That Gentleman, in a speech delivered on the 24th of September, 1852, had used this language:—

> "If we said at once that we desired to secularise the reserves, our request might be rejected on that ground alone. If we did not say so, we had reason to expect the support of Earl Grey in the House of Lords."

Now, this language coming from a Member of the Canadian Government, might throw some light upon the majorities which had been obtained against the proposal for secularisation. But even if the argument that the Canadian Legislature might deal honestly with the two Churches in their legislation with regard to those reserves, was seriously urged, no such belief on the part of any hon. Member served as the slightest excuse for deserting their duty; this House would, nevertheless, be guilty of a breach of trust by adopting the course now proposed. Such desertion would involve a breach of trust which Parliament was not at liberty to commit. Now, having disposed of one ground, he would proceed to the next. The noble Lord, in his speech on a former evening, had referred to language which the noble Lord said he (Sir J. Pakington) had used in a despatch sent out to Canada in the course of last summer. The noble Lord contended that such language was inconsistent with the views which he (Sir J. Pakington) was now proclaiming with regard to the sacredness with which those reserves should be appropriated to religious uses. In another place other Members of the Government had pressed the same argument, and elevated it into importance, on the ground, he supposed, that, as their case was but slight, they were only too ready to catch at anything which might be construed in their favour. Now, he contended that his language on that occasion could not be turned against him in any such way. He receded from nothing he had written in that despatch, to the language of which he completely adhered, and the full spirit of which he was willing to carry out. He thought it would be admitted that he had always approached this subject in a fair spirit towards Canada, and that his language had been the language of conciliation. The passage in his despatch which had been referred to was this:—

> "They (Her Majesty's Government) think it may possibly be desirable, on account of the changes which may be effected in the character of the population through extensive immigration or other causes, that the distribution in question should from time to time be reconsidered. Any proposal of such a nature Her Majesty's Government would be willing to entertain."

That was the whole of the passage to which the noble Lord referred, and of which he had endeavoured to make use. Now, he must advert to the fact that the Canadian Government, in sending their second Address to the Crown on this subject, had appeared to have misconceived his language. In their petition of last October, again praying for the Bill now before the House, they had applied this language to his expression:—

> "We are confirmed in this hope by the suggestion in the despatch of the right hon. Sir John Pakington, that your Majesty's Ministers are prepared to recommend amendments in the Imperial Clergy Reserves Act."

The House would see that he had never made any such statement; he had never said that they were prepared to recommend amendments in the Act of 1840. The language he had used was, that the Government did not deny the possibility that a revision of the subject might be necessary, and that they were willing to entertain proposals of such a nature. The feeling upon which he wrote these words was, that in some respect, without question, the exact details of the appropriation of 1840 were not satisfactory; but that was not all. He believed the noble Lord would not have drawn up the Bill of 1840 as he had done if he had foreseen the unhappy event which had occurred a year afterwards—he alluded to the rupture in the Church of Scotland. The appropriation to the Church of Scotland had been made with relation to the then existing numbers; but within two years, he believed he was correct in saying that more than one-half its members in Canada had separated from that Church, and the remainder of these Presbyterians, not differing in doctrine and discipline, or in any but trifling and hardly perceptible points, from those from whom they seceded, were left without any provision out of this grant. Again, he had never approved of that arrangement which left three-sixths of the undisposed reserves at the disposal of the Governor in Council. That provision was, he considered, an unsatisfactory one, and an accumulating balance of something like 20,000*l.* was going on from year to year quite unappropriated; the whole of which, he contended, ought at this moment to have been used and to be available for the dissemination of religious knowledge and instruction. Looking to these circumstances, he had been willing to admit—as the matter was urged upon the Government by the local Legislature—that though he thought it unadvisable to disturb the Act of 1840 grounds did exist for the redistribution of this property. He would go further and say that, provided a guarantee could be given that they would guard the fair and just rights of the Protestant Churches of Canada, he was willing so to shape this Bill as to allow the Legislature of Canada to redistribute this property. He would now deal with that which was the real question before the House—namely, what was the obligation, on the one hand, and what was the answer on the other. He would not, in so doing, trouble the House by any extended remarks upon the history of this question, but he would only remind them of the vast length of time over which these appropriations were spread, and of their continued devotion to one sacred aim. In 1774, only fourteen years after the date of the conquest, the first Quebec Act was passed, and under that Act the rights of the Roman Catholic clergy to their dues and tithes were fully recognised; but it was the pleasure of Parliament at the same time to recognise the rights of the Protestant Church in that country; and the clergy, like those of the Romish Church, were allowed to collect tithes from those of their own denomination. In 1791 the 31st *Geo.* III. was passed, by which the tithes, as far as the Protestants were concerned, were virtually repealed, and one-seventh of the land was set apart in lieu of those tithes, in order to support the Protestant worship in the colony. The next important Act was that of 1827, allowing these reserves to be sold; and this Act completely recognised the endowments of the Protestant Church. For some years afterwards the Legislature of the upper province—and this was, he would remind the House, an Upper Canada question— [Sir W. MOLESWORTH: Oh, oh!] He did not understand the groan of the right hon. Baronet; and he must repeat that this was an Upper Canadian question, for, although it was true there was a small portion of these reserves in Lower Canada, which was Roman Catholic, the great bulk of them was in the upper province, whose inhabitants were mostly Protestant. For a long series of years, then, this question had become a question of party conflict. There were constant disputes about the mode of dealing with this property, until at length the troubles of 1838 came on. Afterwards the desire on the part of the noble Lord to unite these provinces was made known, and it was felt that the settlement of this reserve question was essential before this union took place. The Legislature of Upper Canada in 1839 expressed a desire that the Crown should deal with, and dispose of, these reserves, and they passed an Act vesting them in the Crown. When the Act, however, came over, the noble Lord (Lord John Russell) would not advise that the assent of the Crown should be given to it, and he left it to the province to decide in what manner these reserves should be disposed of. The right hon. Baronet (Sir W. Molesworth) probably fancied that this was an admission that the right to deal with these reserves was in the Canadian Parliament; but he must remind him that it was the Legislature of Upper Canada that was to deal with these reserves, and that it was a very different thing to leave the united Canadian Parliament to deal with these reserves in the upper province. In 1840 the Legislature sent over an Act reserving the property for religious purposes, dividing the greater portion between the Church of England and the Church of Scotland, and giving the rest to other denominations. The opinion of the Judges was against the legality of that Act; and subsequently, in the same year, the Act of 1840 was passed, the provisions of which were identical with the measure which had passed the Canadian Parliament, except as regarded the alterations necessary in consequence of the opinions of the Judges. Up to that time these reserves had been devoted to the Protestant religion; and he challenged disproof when he said that this country was bound by the most sacred obligations to respect that arrangement so far as its principle was concerned—namely, the dedication of this property to religious uses, and that this Parliament was not at liberty, except by a tyrannical exercise of power, to divert this property from those religious uses. He wished now to examine the real value of the grounds taken up by the Government—that the right of self-control was paramount to the obligations not to interfere with the Act of 1840. And here let him inquire, in passing, whether the present Bill did not itself violate this very principle of self-government? The answer of the Government would no doubt be that the Parliament of Canada had itself suggested the second clause, which insured the rights now enjoyed by private individuals. To pretend that a sense of justice allowed them to plunder the Church, and then to say that they would be careful to maintain the rights of A and B, was a perversion of a sense of justice upon which he need not insist. But then Government ought to have drawn this Bill without their second clause, if they wished to carry out the principle of the sacredness of local self-control, and trusted to the Canadian Parliament to carry out its due regard for vested interests. He claimed for the late Government—and he did not say it boastingly—that they had as great a regard for this principle of self-control as could justly be claimed by any Government, whether that of the noble Lord (Lord John Russell), Lord Melbourne, or any other that he remembered. The noble Lord (Lord John Russell) upon several occasions distinctly violated this principle, upon the ground that there were Imperial considerations which overruled the acknowledged right of local self-government. The Legislature of New Brunswick in 1848 passed a law giving a bounty upon the cultivation of hemp. This was disallowed by the noble Lord's Government, and the colonists remonstrated with Earl Grey upon this infraction of the principle of self-control. The Vagrant Act passed by the Legislature of New South Wales, in 1850, appeared to relate to a subject exclusively of local interest; but Earl Grey said it would bear hardly upon persons sent out with tickets of leave, and refused to advise the Crown to give its assent to the Bill. More recently the inhabitants of Prince Edward's Island desired to have a bounty for their fisheries, to protect them against the encroachments of American fishermen. The Government also in this case violated their principle. The last instance which he would mention was the case of New South Wales, referring to what occurred there last year. It was in the year 1850 that Earl Grey yielded to the desire of the Canadians to deal with this land question; for recollect that the question was a land question—a limited land question, dealing as it did with a very small portion of land, and with land which never was theirs—with land which was reserved by the Crown for a particular purpose. And how did the noble Lord opposite, the Member for the City of London, deal with the question, for of course he was mixed up with the acts of Earl Grey? Why, Earl Grey, although he conceded the prayer of the people of Canada to deal with the reserved lands in 1850 and 1851, refused the prayer of the New South Wales Legislature to deal with their land! But it was said that the late advisers of Her Majesty had overruled the decision of Earl Grey. That was quite true, because they had respect for the rights of the Colonies, and because they could not agree with the conclusion of that noble Lord that Imperial considerations were of a paramount nature—and that brought him to the opinion expressed only last week, when this same discussion was under discussion; and he hoped the noble Lord (Lord J. Russell) would favour him with his particular attention. He understood the noble Lord to nod assent to the position which he (Sir J. Pakington) then advanced, namely, that the yielding of the lands to the Colonies was a question of policy at the time, but that undoubtedly it was not a question of right—that the right to the colonial land was in the Crown until it was formally made over to the Colony. Now, that brought him to the main substance of the argument, to the argument founded on the right of the Colonies to self-government, because the House would remember, if it had read the petition sent over by the Colonial Legislature, that that Legislature had demanded these reserves as a matter of right. Now, he maintained that the question really very much turned upon the point whether or not that argument of self-government was so paramount that it ought to overrule the sacred dedication of this property? He denied that the Legislature of Canada ever had, or ever did, acquire a right over the lands. The right was in the Crown, and it was a right of the same nature as that for which Earl Grey contended in the case of New South Wales. That noble Lord contended then that it was a mere question of policy; that the right belonged to the Crown, and he thought that it would be unwise in the Crown to surrender it. But when Earl Grey had used such language in the case of New South Wales, he (Sir J. Pakington) was at a loss to see upon what principle it could be contended that there was a right now in the Canadian Legislature to deal with these reserves, which had never been given up by the Crown, but which were, on the contrary, distinctly disposed of for the purposes by the Act of 1840. He maintained, then, that they had no right over the lands; that the right remained with the Crown, and that if the Crown were to surrender that right, it could only be on the ground of policy. But, supposing that this principle of self-government involved the concession of the reserved lands to the colonists, he would still ask, were not the arrangements entered into between the two provinces at the time of the union conclusive against such a concession? He saw that a noble Duke in another place—now at the head of the Colonial Administration—had taken exception to the language which he (Sir J. Pakington) had held upon this subject on a former occasion. Now, the language which he held and the statement which he advanced was this: that the arrangements made in the year 1840 were made with a view to the union; that they could not be fairly departed from; that, in fact, they were arrangements made previous to the union; and that the Colonial Legislature must abide by the compact which was then made. But the noble Duke contended, the Act of Union passed early in the Session, while the Clergy Reserves Act passed towards the end of the Session of 1840. Now, he (Sir J. Pakington) was prepared to contend that the legislation on both subjects was most closely, most intimately, connected. The measure was urged by the late Lord Sydenham, and it was passed with special reference to the union of the two countries. Here were the words of Lord Sydenham, used when writing to the noble Lord (Lord J. Russell), then Colonial Secretary, in his letter, dated January 22nd, 1840:—

> "That there is no subject of such vital importance to the peace and tranquillity of the province as the clergy reserves; that there is none, with reference to the future union of the two provinces which it is more necessary to determine without delay; that it has been for many years the source of all the troubles in the province, the never-failing watchword at the hustings, the perpetual spring of discord, strife, and hatred; that to leave this question undetermined would be to put an end to all hope of re-establishing tranquillity within the province; but to establish the union without settlement of it, and to transfer the decision to the united legislature would be to add to the sources of discord which then prevailed in Lower Canada an entirely new element of strife, for among the various evils by which Lower Canada has been visited, one and one only, perhaps the greatest of all, has been wanting—religious dissension; that he was satisfied that the value of arriving at a settlement could not be over-estimated; and that, strong as these feelings might have been, the immense advantage of having the question finally withdrawn from the sources of popular discussion and dispute would reconcile all parties to it."

Now, he thought that no one could hear that despatch read without being compelled to admit that it was written with an especial reference to the coming union; and that Lord Sydenham held it to be, not only of importance, but of first-rate and paramount importance, that the question of the clergy reserves should be settled before the union of the two provinces took place. He would now show the House what was the language which the noble Lord the Member for the City of London held on the occasion, as demonstrating the light in which he viewed the question. The noble Lord said—

> "He would ask the House, was it not most desirable to prevent this question being brought before the united legislature, and decided in a manner opposed to the views which Parliament was known to entertain."

He believed it was unnecessary to trouble the House with any further extracts, for he imagined that no one could dispute that in former debates the noble Lord had used the same argument; namely, that the Bill was passed with an especial reference to the union. And if that Bill was consented to, if it received the sanction of the authorities at home, and if it was accepted in Canada as a preliminary, and as an essential preliminary, to the union, he maintained that it was neither wise, prudent, nor consistent with fair dealing, to disturb such an arrangement. Indeed, upon this subject he thought that he might appeal to the statements which he had heard reiterated in that House with regard to a subject discussed only the other day, namely, the grant to the College of Maynooth. He had heard it constantly argued on both sides of the House, whether or not that grant was made subject to a compact formed before the time of the Union. And if he was not much mistaken, he had heard the greatest opponents of that grant allow, that if the faith of Parliament previous to the passing of the Act of Union was pledged to the maintenance of the grant, they would yield before such compact, and confess that the grant could not now be withdrawn. Now, the same argument applied to the case of Canada, and the United Legislature could not deal, or indeed could not wish to deal, with a state of things subsisting before the Union. He could not, then, believe that the Government would deny that the question of the clergy reserves involved Imperial considerations of the highest and most binding character. He would next ask the House to turn its attention to the policy of these concessions; and the first point which he would touch upon under this head, was one which he thought must come home to the feelings, not only of every man in that House, but throughout the country, and it was a consideration to which he invited and entreated their most deliberate consideration. It was simply this: if the Protestant people of Upper Canada, instead of being as loyal a people as ever lived under the Crown of England—if they had forfeited their allegiance—if they had annexed themselves to the United States, the reserves would have been respected. He was sure that no Gentleman on either side of the House would deny that that was a most grave and serious aspect of the question. Many hon. Members might have read a pamphlet published on this subject by Archdeacon Bethune, whose archdeaconry lay in Upper Canada. Now, in that pamphlet the rev. gentleman said, that in the case of Trinity Church, New York, and other religious property in the State of Vermont, endowments made before the time of the revolution were respected by the Government of the United States. Being very much struck with that statement, but without for one moment calling in question the intentional inaccuracy of the archdeacon, yet feeling that the utmost delicacy ought to be preserved in speaking of occurrences in other countries, and being afraid lest some mistake might have crept inadvertently into the statement, he made it his duty to communicate with a gentleman—an American gentleman—at present in London, who was conversant with the laws of the United States, and competent to afford the fullest information upon such a subject as the present; and though he did not feel at liberty to publicly mention the name of the gentleman to whom he referred, yet he could assure the House that he was a person of the highest authority upon the affairs of the United States, while at the same time he was quite ready to communicate his name in private, either to the noble Lord or any other Gentleman who might care to know it. Having called upon this gentleman, and having submitted to him an outline of the discussions which were anticipated on this subject, he (Sir J. Pakington) asked him whether the representation which he had read was correct—namely, that if the Canadas were annexed to the United States, that that Government would respect these Protestant endowments. Now the House will mark the answer which he received; it was this:—"You may rely upon it," said his informant, "that if the Canadas were annexed to the United States, these endowments would be regarded with respect." Holding this statement to be so grave a one, and to bear so closely upon the subject under discussion, he asked the gentleman to be good enough to write down the statement. But he (Sir J. Pakington) put to him this further question—"Suppose that the Legislature of the States were to seize these reserves?" His answer was, that the Supreme Courts would overrule the States Legislature, and that it would restore the property. He held now in his hand the letter to which he had alluded, and he was sure the House would permit him to read it. It ran thus:—

> "I have seen the debate of last evening in the House of Lords, as published in the morning papers. The remarks of the Earl of Derby are, no doubt, perfectly correct—that Church endowments made previously to the revolution have been held sacred in the United States. A question seems to have been agitated whether a new distribution might not be made of Canadian reserves, without disturbing the original grant.

That is quite distinct from the question of the validity of the grants themselves. I have no doubt of their being sustained in their integrity. They would be regarded as contracts, subject as such to no violation by the State legislation or otherwise. I have thus probably covered the whole ground of the inquiry which you did me the honour to make yesterday. Canadian reserves would be in no danger, if within the United States, unless the proposed alteration should be within the scope of the original grant."

Now, he could not touch upon this branch of the subject without asking the noble Lord opposite whether this state of things did not suggest a ground for the most serious consideration in dealing with the subject? Let him remind the noble Lord—and he would forgive his (Sir J. Pakington's) appealing generally to him on account of the prominent part which he took in the transactions on the subject under Lord Melbourne's Administration—of the events which occurred at that critical period; let him bring him back to the policy adopted at the time of the union of the two provinces. He (Sir J. Pakington) was one of those who took a very warm though a very humble part in the discussion at that time, and strongly remonstrated against the measure. Notwithstanding the opinions of Pitt—notwithstanding the opinions of Burke—in opposition to the judgment of the Duke of Wellington, the noble Lord opposite persevered in uniting the two provinces. He (Sir J. Pakington) would not then stop to consider whether or not that was a wise policy; but this he would ask, whether or not we do not behold in this Act the fruits of those bad consequences which he, for one, had ventured to predict? He believed that we did, though he would not then pause to discuss the question. He would, however, ask the noble Lord to recollect how the union of the two provinces had been completed after a long and painful struggle. Soon after the accession of Her present Majesty a rebellion broke out in Canada. And by whom was it quelled? Why, by the loyal people of Upper Canada. And who were these people of Upper Canada? He spoke with no disparagement of other colonial subjects of the Crown, when he said that throughout the wide circuit of the Queen's dominions there was not a body of men so loyal or so devoted as they. They were the descendants of those loyal subjects of the British Crown in the United States who, after the Revolution and rupture between the United States and the Home Government, left the Republic—left the homes wherein they had lived—on account of their attachment to British institutions, and settled in Upper Canada, where, as Protestants, connected with the Church of England and the Church of Scotland, a population had grown up as loyal and as devoted to England as ever breathed. That loyal population had shed their blood and risked their property, in order to subdue the insurrection of 1838. But what was done, when the two provinces were united? Why, the Home Government, disregarding the well-known feeling and affection against the union which existed in Upper Canada—actuated by mere motives of policy, which might have been wise or unwise, absolutely threw over these loyal men. Notwithstanding the important service the Upper Canadians had recently rendered to the British Crown, you disregarded all their remonstrances, and outraged their feelings, by uniting them with a province widely differing from them in laws, in language, and religion. That was the first blow to the loyal feeling of Upper Canada. The next blow was the Rebellion Losses Bill—a Bill fresh in the recollection of hon. Gentlemen opposite—indeed, there was one right hon. Gentleman opposite who entertained the very strongest feelings on the subject. He should not stop again to consider whether there were paramount considerations of policy which justified the Canadian Parliament in passing that Rebellion Losses Bill, or whether there were considerations which justified the Government of the noble Lord. But this he would say—and he said it without fear of contradiction—that the noble Lord was fully aware that if ever there was an Act which wounded the feelings, which shook the loyalty of men, it was the Act which his Government sanctioned on the subject of the "Rebellion Losses." He was slow to believe—indeed he did not believe—that any large portion of the population of Upper Canada were shaken in their allegiance to the British Crown, though the Bill deeply wounded their feelings; and from the date of the passing of that Bill there were many persons who began to talk of annexation. But he would ask the noble Lord, was it wise or was it prudent again to wound their feelings, to wound them in the tenderest part—to show ourselves regardless of the most solemn obligations—to show ourselves prepared to assail that religion which they love—to deprive that religion of the support assured to it by the most imposing guarantees? He would repeat, was it wise, was it prudent, was it the act of a paternal Government in the face of the facts which he had detailed to them respecting the laws of the United States, to show to these loyal subjects of the British Crown, attached as they were to their religion and to its means of support, that the monarchy of England should disregard and repudiate those obligations which the American Republic was willing to recognise and respect. Let the House and the Government pause. If he were to give expression to the feeling which prompted the course the Government was taking, it would be in this form:—"We can refuse this concession to New Brunswick and Prince Edward's Island; but Canada is strong since the union of the provinces; the majority demand concession, and therefore they must have it." The policy was as erroneous as the Act itself was unjust. He believed, however, the real principle at work was, that they were making concessions to the demands of the majority. But they might depend upon it that that was a policy which would alienate a great part of the Canadian population. If you want to retain Canada in connexion with the Crown of England you must increase her attachment to the Crown and institutions of England. Depend upon it that the party whom they were now aggrieving were the party whom they ought to trust to to maintain that connexion, and not to those who were urging them on to this breach of national faith. And here he wished to do justice to the efforts—to the conscientious efforts—to the never-failing efforts of the Church of England in Canada. Let it not be supposed that the clergy were solely dependent upon these funds. No such thing. The Protestants of Canada had made the most noble efforts to sustain the Church; but the principle on which the reserves were distributed was simply to aid local exertions. And so far as regarded that portion of the province where the population was dense and the congregations large, the inhabitants were in a position to exert themselves, and they did exert themselves in behalf of the Church. But he would remind the House that there were parts of Canada where the pioneers of civilisation as they advanced into the wilderness were poor in circumstances, and thinly scattered over the country. Then it was that the travelling missionary had to go about from township to township collecting congregations where he could; and where the population was too widely dispersed for the assembling of congregations, bearing the ministrations of religion from house to house. And how henceforward were these poor clergymen to be supported if this fund were endangered? Why, they were committing a power to the hands of the Legislature of Canada, which, if they availed themselves of it, must put an end to such ministrations of religion. Nor did his remarks apply solely to the case of Upper Canada—they applied with equal force to the situation of the lower province. He had that day seen that most excellent and venerable prelate the Bishop of Quebec, and he stated to him that the Church of England in Lower Canada was as poor as any Church in the world, and that it was surrounded by the Church of Rome, flourishing in wealth and in pomp. Now, small as the provision for that Church already was, he believed that if these reserves were withdrawn, that it would be utterly impossible to provide even for those small ministrations to which he had alluded. There was one other view to which he entreated the attention of the House: to the view which he could not help feeling was taken by the Roman Catholics of Lower Canada on this subject. Notwithstanding that the Roman Catholic Members from Lower Canada, he was sorry to say, had swelled the late divisions—an evil, let him observe, which had been foreseen before the union of the provinces, and which was intended to have been averted—notwithstanding that, there were grounds upon which he must believe that the Roman Catholic population in general must be indisposed to the Bill now before the House: for he must think that, professing as they did in common with Protestants the great doctrines of Christianity, and endowed as they were with great wealth, receiving tithes to the amount of 100,000*l.* for the support of their Church, which was blessed, as he must admit, with an order of most holy priesthood, and endowed, as they were, so amply, he did not believe that the Roman Catholic population of Lower Canada would desire to deprive their fellow-Christians in the other province of the small pittance that was awarded to them. ["Hear, hear!"] He perfectly understood that cheer, and he translated it thus: it asked him, did he consider it likely that the Roman Catholics, with these large endowments of their own at stake, would join in any attempt to deprive the

Protestants of their property? But he maintained that he had no right to rest upon such grounds; for he was unable to say what amount of excitement might prevail — seeing to what extent party feeling had gone in the recent divisions, which were actually carried by the votes of the Roman Catholic Members. [An Hon. MEMBER: No!] He would beg that hon. Gentleman's pardon, but he would refer him to the first division—and which was the most important one—on which occasion the number of Roman Catholics who voted in the majority exceeded the majority by which the measure was carried; and, therefore, he had a right to say that it was carried by Roman Catholic votes, and that it was the Roman Catholic votes that gave the complexion to the vote which it bore. Looking, then, to past experience, he would warn the House, on the authority of Lord Sydenham, not to sow the seeds of a possible struggle by passing such a measure as this. Another reason for thinking that the Roman Catholics could not be anxious for the passing of the Bill was, that should it become law they would feel that their own endowments might be placed in jeopardy by some unlooked-for combination. Since the Act of 1840 religious peace had prevailed in Canada; but pass this Bill and the spirit of discord would again animate men's minds. He would say, "God forbid that such a state of things should arise!" He implored the House to bear in mind the words of the petition from the Society for the Propagation of the Gospel in Foreign Parts, presented by the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis), and to which the signature of the Archbishop of Canterbury was attached, which called upon them, as they respected Him in whose hands were the destinies of nations, and by whose approbation and favour alone their welfare could be secured, to see that they disregarded not that justice which He had commanded or the interests of that religion of which He was the author. He thanked the House for the patience with which it had listened to him. It had been his wish to approach the discussion of the question with no extreme views. He would not object to intrust the colonial legislature with power to make a fresh distribution of the property, provided due security were taken for the interests of the Protestant religion. But, if the noble Lord persevered in forcing on Parliament this Bill as it now stood—if he thought proper to abandon the sacred trust that had devolved upon them by the Act of 1840, then he had no alternative as to the course which he should take. He was bound by the most solemn obligations to resist the measure to the utmost, and to denounce it as alike impolitic and unrighteous.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR WILLIAM MOLESWORTH: Sir, the right hon. Baronet (Sir J. Pakington) who has just addressed the House, commenced his speech by deprecating the treating of this Bill as a party measure. I cordially concur with the right hon. Baronet in that deprecation, because this Bill raises two questions of the utmost importance, which ought not to be decided under the influence of party spirit. The first of these questions is the great and fundamental one of the colonial policy of the British Empire—namely, whether it ought to be a rule of our Colonial Government that all questions which affect exclusively the local interests of a colony possessing representative institutions, should be dealt with by the local Legislature. If this rule be assumed to be a sound one, then the next question is, whether it should now be applied to the greatest of England's colonial dependencies, with a population of nearly 2,000,000 of inhabitants—whether it ought now to be applied to Canada with reference to the question of the clergy reserves?

The object of this Bill is to apply this rule to Canada. The right hon. Baronet seemed to have some difficulty in understanding the intentions of the framers of this Bill. Their intentions are to transfer to the Legislature of Canada the power of dealing with the clergy reserves, irrespective altogether of the mode or manner in which that Legislature may think proper to deal with those reserves. In my opinion the questions, whether the Legislature of Canada ought or ought not to maintain the present application of the proceeds of the clergy reserves—whether it ought or ought not to secularise those reserves, are questions for the Canadian and not for the Imperial Parliament to debate. I shall, therefore, not follow the example of the right hon. Baronet, the greater portion of whose speech was not addressed to the real question at issue, whether we should transfer to the colonial Legislature the power of dealing with the clergy reserves, but merely expressed his opinions as to the manner in which the Canadian Legislature would exercise such a power.

Sir, the right hon. Baronet has admitted over and over again to-night, that the rule of colonial polity which I have just mentioned, is a sound general rule; and the right hon. Baronet cannot deny that the question, how the proceeds of that portion of the lands of Canada which are called the "Clergy Reserves," should be disposed of, is one which affects exclusively the people of Canada. But the right hon. Baronet has asserted that the question of the clergy reserves should be treated as an exception to the general rule that local questions should be dealt with by the local Parliament of a colony. The reasons which have been assigned by the right hon. Baronet for making this exception may, I think, be reduced to two chief ones: first, that the question of the clergy reserves is essentially an Upper Canadian and Protestant question; secondly, that the Act of 1840 was intended to be a final settlement of this question. With the permission of the House, I will consider each of these arguments separately.

First, the right hon. Baronet has repeatedly affirmed that the question of the clergy reserves is essentially an Upper Canadian question, upon which the representatives of Upper Canada were as nearly as possible equally divided, and that the majority who carried the Resolutions which the House of Assembly passed last September in favour of a Bill similar to that now before the House had consisted in a large proportion of Roman Catholic members of the lower province, whose religion had been amply and munificently endowed. Thence the right hon. Baronet had inferred that the Roman Catholic members ought not to have power to legislate on questions affecting the endowments of Protestants, and that such questions should be dealt with in accordance with the wishes of the Protestants alone.

Sir, the right hon. Gentleman in the course of his speech, and in his despatches, had laid great stress on the circumstance of the Roman Catholic religion in Canada being munificently endowed. Now, it is by no means correct to say that the Roman Catholic religion is munificently endowed in Canada. The landed endowments referred to by the right hon. Baronet are not, strictly speaking, the property of the Roman Catholic clergy, nor are they applicable in any considerable degree to the support of religious worship in Canada, but are chiefly applicable to educational and charitable uses, or to the conversion of the Indian tribes. They belong to corporations which existed before the conquest of Canada. They were mostly obtained by gift, bequest, or purchase. A small portion only was granted by the French Crown. By the capitulation of Montreal in 1760, it was stipulated that this property should be preserved to its possessors; but this stipulation was not confirmed by the treaty of 1763, nor by any Act of Parliament, and the Act of 1774 set it aside altogether. Therefore, there is at present no statutory provision which would prevent the Canadian Legislature from dealing with this property in any way it might think proper. In Lower Canada the Roman Catholic clergy are now supported, as they were supported before the conquest, by tithes and other dues, which have much more of the character of voluntary contributions than of legal dues. For no person in Canada can now be required to pay tithes unless he voluntarily professes the Roman Catholic religion; and if a man in Lower Canada ceases to be a Roman Catholic, or sells his lands to a Protestant, the priest loses his tithes; because tithes were not secured to the Roman Catholic clergy by the capitulation of Montreal, but their payment was made to depend upon the will and pleasure of the British Crown. That pleasure was signified in 1774, in the first Act for the government of Canada. That Act evidently proceeded on the principle of religious equality between Christian sects, for it provided that the Roman Catholic clergy might receive tithes only from Roman Catholics, and that Protestants should pay tithes for the support of a Protestant clergy. In Lower Canada tithes have been regularly paid by Roman Catholics; they are moderate in amount, having been reduced from one-tenth to one-thirteenth, and finally to one-twentysixth of the cereal crops. In Upper Canada, on the contrary, tithes have never been paid, either by Roman Catholics or Protestants, though as legally due as in the lower province; and the Roman Catholics, who have become a numerous body—nearly as numerous as the members of the Church of

England, and thrice as numerous as the members of the Church of Scotland—have neither tithes nor landed endowments, as in the lower province, nor any statutory provision for the support of their clergy. I must also call the attention of the House to the fact, that the Legislatures of both the Canadas had power under the Constitutional Act of 1791, and the united Legislature has power under the Constitutional Act of 1840, to abolish the payment of tithes; and that power was exercised with reference to Protestant tithes by the Legislature of Upper Canada in an Act which received the Royal assent in 1823. These facts prove that the right hon. Baronet was inaccurate when he said, that the Roman Catholic religion is munificently endowed in Canada; and they also prove that the Legislature of Canada has the same power at present over the endowments of the Roman Catholic clergy as it would have over the endowments of the Protestant clergy if this Bill were to become law. Therefore the principle of religious equality require that this Bill should become law.

I will, however, assume, for the sake of argument, that the Roman Catholic religion is munificently endowed in Canada; yet that fact would not warrant the conclusion of the right hon. Baronet (Sir J. Pakington) that the Roman Catholic Members ought not to have power to legislate on the question of the clergy reserves; for, by an exact parity of reason, it might be argued that the members of the Church of England in this House ought not to have power to legislate on any question affecting the Roman Catholic religion, or any other religion less munificently endowed than the Church of England; and that all questions affecting the Roman Catholic religion and its endowments in this country, as for instance the endowment of Maynooth, should be dealt with in accordance with the wishes of the Roman Catholics alone.

But I will suppose again, for the sake of argument, with the right hon. Baronet, that the question of the clergy reserves ought to be dealt with in accordance with the wishes of the Protestants of Canada alone; then it would be dealt with in the manner proposed by this Bill. For it was quite a mistake on the part of the right hon. Baronet to assert that the majority of the Canadian House of Assembly who carried the Resolutions of last September, had consisted, in a large proportion, of Roman Catholic Members. That majority consisted, in an almost equal proportion, of Protestants and Roman Catholics. I have carefully analysed those division lists (which are the only real tests of the opinions of Members), and I have ascertained that of the eighty-four Members of the House of Assembly fifty-four are Protestants, and only thirty are Roman Catholics. With so decided a majority of Protestants—equivalent to an absolute majority of 187 Members in this House—it is evident that no measure could be carried in opposition to the wishes of the Protestants, as a body; and I find that, on every Resolution which had reference to the merits of the question whether the Imperial Parliament ought to transfer to the local Legislature the power of dealing with the clergy reserves, the decided majority of the Protestant Members was in favour of such a transfer being made. For instance, on the 14th of September last, a Motion was made in the House of Assembly to the effect, "That the people of Canada concurred in the Act of 1840 as a final settlement of the question of the clergy reserves." That question was rejected by fifty votes against a minority of eighteen—and of the majority, one-half, or twenty-five votes, were Protestants. Again, the same day another Motion was made—"That this House deprecates in the strongest manner any attempt to bring back the question of the clergy reserves to this province for future legislation." This Motion was rejected by fifty-one to seventeen, and of the majority twenty-six were Protestants. On the 17th of September last the Resolutions of Mr. Hincks, which I will now read, were carried:—

"That an Address should be presented to the Crown, deeply regretting that Sir John Pakington was not prepared to bring in a Bill to repeal the Imperial Act of 1840. That the great mass of the people of Canada will ever maintain the principles recognised by Earl Grey, that the question of the clergy reserves is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the provincial Legislature. That the refusal on the part of the Imperial Parliament to comply with the just demands of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and widespread disaffection. That the opinions of the people of Canada and their representatives on this subject are unaltered and unalterable. That the House of Assembly, in thus giving expression to the public opinion of the country, is actuated by the strongest feelings of loyalty, and by a sincere desire to prevent the lamentable consequences of a difference of opinion between the imperial and provincial Parliaments on a question on which very strong feelings are known to prevail among the people of this province."

There were several divisions on these Resolutions, all of which were carried by at least fifty-two votes, against a minority never exceeding twenty-two. Of the majority, twenty-six were Protestants; of the minority twenty were Protestants. Therefore the absolute majority of Protestant Members was equivalent to an absolute majority of seventy-seven Members in a House as numerous as that which decided the fate of the late Administration, or equivalent to four times the absolute majority that overthrew the Government of Lord Derby, and by so doing saved the colonial empire of Great Britain in North America:—for I am convinced that if the right hon. Baronet the late Secretary of State for the Colonies had been able, as a Minister of the Crown, to persuade Parliament to adopt his views on the subject of the clergy reserves, that empire would have speedily crumbled into dust. When I heard the right hon. Baronet declare, in reply to a question which I put to him in last December, that it was the intention of Her Majesty's late Ministers to break the pledge which their predecessors had given to the Legislature of Canada, and to deny to that Legislature the power of dealing with the exclusively local question of the clergy reserves, a painful vision of the past crossed my mind. I thought of the year 1833, of a young and reckless man, whom high rank, extraordinary powers, and surpassing eloquence, had then raised to the office of Secretary of State for the Colonies—I remembered that he had presumed to address the Assembly of Lower Canada in language which that Assembly had justly denounced as inconsiderate and unconstitutional, as insolent and insulting. That language had embittered an unhappy conflict, which terminated in a rebellion that cost this country many millions of money. I feared much that twenty years had not matured the judgment of this man, who had become Prime Minister of England—that, actuated by old feelings, he was bent upon renewing an old conflict, but with a new and more powerful Assembly, and that the result would be a worse catastrophe. Therefore, for the sake of the Colonial Empire of Great Britain in North America, I rejoiced most sincerely at his downfall.

The right hon. Baronet has affirmed over and over again that the question of the clergy reserves is essentially an Upper Canadian one, and thence inferred that it ought to be dealt with in accordance with the wishes of the Members of Upper Canada alone. It is, however, a mistake on the part of the right hon. Baronet to say that this question is essentially an Upper Canadian one. Lord Durham declared, in his report of 1839, that it equally concerned the people of the two Canadas; and so it does in principle, for it affects the whole of Canada, with the exception of that portion which had become private property before 1791. The extent of the clergy reserves is, however, greater in Upper than in Lower Canada, because Upper Canada was settled at a later period than Lower Canada. The system of clergy reserves was created in 1791, for the support of a Protestant clergy. The first statutory provision for that purpose in Canada was made in 1774. The Act of that year, proceeding upon the principle of religious equality, intended that the clergy of every denomination of Christians should be supported by tithes; for it provided that the Roman Catholic clergy should receive tithes only from Roman Catholics, and that Protestants should pay tithes for the support of a Protestant clergy. This provision for the support of a Protestant clergy proved to be trifling in amount. The great majority of the inhabitants of Canada were at that time Catholics; the Protestants were few in number, widely scattered, and unwilling to pay tithes. This provision consequently appeared insufficient to the Government of 1791, and they determined to make further provision for the support of a Protestant clergy after a system which was said to be in existence in the State of Pennsylvania; and they did so when they passed the first Constitutional Act of Canada—namely, the 31st of *Geo.* III., c. 31. That Act divided Canada into two provinces, gave to each province representative institutions, and enacted that whenever any land in Canada should hereafter be granted by the Crown, there should be made an allotment for the support of a Protestant clergy, which should be equal in amount to one-seventh of the land so granted. The same Act provided that the Legislatures of the Canadas should have power to vary or repeal the provisions of the Constitutional Act respecting the allotment of land, and also to abolish tithes, subject, however, to the restriction that all local Acts for any of these purposes should be reserved for the Royal Assent, and laid before both

Houses of Parliament; and that the Royal Assent should not be given, if within a certain period of time either House of Parliament should address the Crown to withhold its assent. By this Act one-eighth—not one-seventh, as the right hon. Baronet said—of the land of Canada which had not been granted before 1791 ought to have been reserved for the support of a Protestant clergy; but much more than the legal one-eighth was reserved for that purpose. According to Lord Durham's report, instead of one-eighth, in Lower Canada one-fifth, and in Upper Canada one-seventh, were set apart for the support of a Protestant clergy. By this manifest violation of the law the actual amount of the clergy reserves was made to exceed the statutory amount by about 227,000 acres in the lower province, and about 300,000 acres in the upper province; and the Canadian public was wronged to the amount of about 120,000*l.* in Lower Canada, and 160,000*l.* in Upper Canada.

The area of the clergy reserves has exceeded 3,300,000 acres. To show how utterly wrong was the statement of the right hon. Baronet that this question is essentially an Upper Canadian one, I need only call the attention of the House to a return which has just been presented, which shows that in Lower Canada the area has exceeded 900,000 acres, of which above 500,000 acres are still unsold, and about 2,400,000 acres were in the upper province. In both provinces the clergy reserves have produced economical evils of the greatest magnitude; they consisted for the most part of lots of 200 acres each, scattered at regular intervals over the face of the townships. For a long period of time they were uncultivated and inalienable. The Canada Committee of 1828 gave a striking description of them

> —"as so many portions of reserved wilderness, which had done more than any other circumstance to retard the improvement of the colony, intervening, as they did, between the occupations of actual settlers, who had no means of cutting through the woods and morasses which separated them from their neighbours."

Without doubt the framers of the Constitutional Act expected that as the land granted to settlers was improved and cultivated, the adjoining portions reserved for the clergy would yield a rent which would make an ample fund for the maintenance of a Protestant clergy. But the Canadian Committee stated, that the one part reserved for the clergy had done much more to diminish the value of the six other parts, granted to settlers, than the improvement and cultivation of the six parts had done to increase the value of the one reserved part. For many years the revenue from the large estates of the clergy was small and irregularly paid. In 1826 the gross produce of the revenue from the clergy estate of 488,000 acres was only 250*l.* These facts, I think, must satisfy the House of the incorrectness of the statement that the question of the clergy reserves is essentially an Upper Canadian one. It is true that, before the reunion of the Canadas, that question did not produce the same degree of excitement in the lower province as in the upper province, because questions of graver political importance occupied the minds of the people of Lower Canada, and distracted their attention from the question of the clergy reserves. But since the reunion the British and Protestant members from Lower Canada have united with their colleagues of the upper province in demanding a repeal of the Act of 1840.

But, Sir, if I were, for the sake of argument to assume, with the right hon. Baronet, that the question of the clergy reserves is essentially an Upper Canadian question, that fact would not warrant the conclusion that the representatives of Lower Canada ought not to have power to legislate upon this subject, and that it ought to be dealt with in accordance with the wishes of the people of Upper Canada alone. For, if such a conclusion were valid upon such grounds, a similar chain of reasoning would prove that the representatives of one part of this country ought not to legislate on any question affecting any other part of this country; for instance, that the Members for Middlesex ought not to legislate on questions affecting Surrey, nor English Members on Irish questions; and that all Irish questions ought to be dealt with in accordance with the wishes of Irish Members alone. Such a chain of reasoning would lead not only to the immediate separation of the Canadas, and to the repeal of the union between England, Ireland, and Scotland, but to the breaking up of this Empire into the minutest fragments, and would make representative government impossible both in this country and in Canada; for all representative government is based upon the will of the majority overruling the will of the minority, and the interests of the minority yielding to the interests of the majority. But I will assume, for the sake of argument, that this question ought to be dealt with in accordance with the wishes of the people of Upper Canada alone; then I maintain it would be dealt with in the manner proposed by this Bill. For it was a mistake, as I have previously stated, in the right hon. Baronet to assert that the representatives of Upper Canada were, as nearly as possible, equally divided upon the question of the clergy reserves. In making this assertion, I think that the right hon. Baronet must have confounded together two distinct questions, which were debated nearly simultaneously last September in the House of Assembly. The one was a real question, the other was a party question. The real question was, whether an Address should be presented to the Crown, praying that the Imperial Parliament would transfer to the local Legislature the power of dealing with the question of the clergy reserves. The party question was whether, before the House of Assembly decided the real question, the local Government ought to state its views on the subject of the final disposal of the proceeds of the clergy reserves, in the event of Parliament making the transfer in question. On the party question the Upper Canadian members were as nearly as possible equally divided; but on all the Resolutions which had reference to the real question, several of which I have just read, there was a decided majority of the Upper Canadian members in favour of Parliament transferring to the local Legislature the power of dealing with the question of the clergy reserves. That majority was never less than nineteen for, to fifteen against; giving an absolute majority equivalent to sixty-nine in a house of 591 members.

Another reason assigned the other night by the right hon. Baronet the Member for Droitwich (Sir J. Pakington) why this Bill should not pass was, that the representatives of the largest constituencies in Upper Canada were against it. I scarcely expected to hear so ultra-Radical an argument from the representative of the infinitesimally small constituency of Droitwich. I will not in any way deny its force, but only the fact. I have had a careful analysis made of the population of the constituencies of Upper Canada, according to the census of 1851, and I find that the population of the constituencies represented by the nineteen Upper Canadian members who regularly voted for Mr. Hincks's Resolutions, those on the real question amounted to 478,000; while those of the fifteen Upper Canadian members who voted against them amounted only to 340,000. The absolute majority of the Upper Canadian population in favour of Mr. Hincks's Resolutions, as indicated by the votes of their representatives, was 138,000. [Sir John Pakington intimated dissent.] The right Baronet questions my statements. They are founded upon the division lists printed in the returns before the House, and upon the census of Canada for 1851. I ask him, is there any better test of the opinions of a people than the votes of their representatives in Parliament assembled. The right hon. Baronet says that he was informed that the opinions of the absent Members were different from those of the Members who voted. I am assured of the contrary; and the right hon. Baronet's statements have been generally so incorrect, that I cannot place any reliance upon his authorities. I should also state that in the British and Protestant portion of Lower Canada—namely, the eastern townships, the population of the six constituencies whose members voted for Mr. Hincks's resolutions was 78,000; that of the one constituency whose members voted against them was only 16,000. What better test could they have of the popular feeling on the subject? He asserted that if they took those who voted, and those who did not, there was a large majority represented whose known opinions were in favour of Mr. Hincks's Motion, which had a similar object to the Bill now under consideration. Sir, the other chief argument which the right hon. Baronet has urged against this Bill—and it constituted the great argument of his embryo despatch —was, that after a long period of agitation the Legislature of Upper Canada had, in 1840, assented to a Bill for the settlement of the clergy reserves question; that it would have received the Royal Assent but for an insuperable legal obstacle, in consequence of which Parliamentary interference became necessary; that an Act was accordingly passed in the same year, 1840; that it was similar in principle to, though differing in detail from, the Bill of the Legislature of Upper Canada, and that this Act was accepted as a final settlement of the question of the clergy reserves both by Canada and this country. Now I deny that the Act of 1840 was similar in principle to the Bill of the Legislature of Upper Canada. I deny, also, that the Act of 1840 was accepted in Canada as a final settlement of the question of the clergy reserves; and that it was not, and could not have been, so accepted a very short history of the agitation of that question will show. The agitation of the question how the proceeds of the clergy reserves ought to be disposed of, commenced about the year 1819. About that period a question was raised in Upper Canada whether tithes ought to be paid to the clergy of the Church of England. The Legislature of Upper Canada held that the Imperial Parliament, in making provision for a Protestant clergy out of the public lands, could not have intended that tithes should be paid; and a provincial Act was passed abolishing the payment of tithes by Protestants, which received the Royal Assent in 1823. During the discussion of that Act the famous question was raised as to the precise meaning of the term "a Protestant clergy," which was used in the Constitutional Act of 1791. A Member of the Legislature affirmed that it was as applicable to the clergy of the Church of Scotland as to those of the Church of England. This opinion was readily adopted by the Members of the Church of Scotland in Upper Canada. They petitioned the Colonial Office and Parliament for a share of the clergy reserves, and their petitions were backed by the House of Assembly in an Address to the Crown. On the other hand, the clergy of the Church of England bestirred themselves to resist the demands of the Church of Scotland, and addressed the Crown and both Houses of Parliament, stating that the words "Protestant clergy" could not be extended further than the Church of England without producing the greatest confusion; for they asked—

> "after passing that Church, where would this meaning terminate? Congregationalists, Seceders, Irish Presbyterians, Baptists, Methodists, Moravians, Universalists, would undoubtedly prefer their claims, as they were each more numerous than the Presbyterians in communion with the Kirk of Scotland, and, should such claims be rejected, these sectaries would consider themselves greatly aggrieved by the refusal of what they would never have dreamt of asking had not so trifling a fraction of the population of this flourishing province as the two congregations in communion with the Kirk of Scotland succeeded in obtaining the same object."

The hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) affirmed the other night that even the most ignorant and Radical Member of the House could hardly deny that the words "a Protestant clergy," as used in the Acts of 1774 and 1791, meant only the clergy of one particular Church, namely, the Church of England. Laying claim, as I presume to do, to the honourable name of a Radical—a name borne by Bentham, Ricardo, Mill, Grote, and other eminent thinkers, whose economical doctrines are generally recognised as true by reflecting men, and have been adopted by the people of this country—I do take the liberty of denying that the words in question meant only the clergy of the Church of England, and I do so on good authority. In 1819 Lord Bathurst, the Secretary of State for the Colonies, obtained the opinion of the Law Officers of the Crown as to the meaning of the words "a Protestant clergy." That opinion was not made known in Canada till about 1829. It was—

> "That though the provisions made by the 31st of George III. for the support and maintenance of a Protestant clergy were not confined solely to the clergy of the Church of England, but might be extended also to the clergy of the Church of Scotland (if there were any such settled in Canada), yet that they did not extend to dissenting ministers."

This opinion was, however, partly right and partly wrong; for in 1840, in consequence of a Motion in the House of Lords, a question was put to the Judges of England as to the precise meaning of the term "a Protestant clergy," and all the Judges, with the exception of two, met, and they unanimously decided that the words "Protestant clergy" did include other clergy than those of the Church of England; that the clergy of the Established Church of Scotland did constitute one instance of such other Protestant clergy; and that, although they specified no other Church than the Protestant Church of Scotland, they did not thereby intend that, besides that Church, the ministers of other Churches might not be included under the term "Protestant clergy." This decision showed that in the opinion of the Judges of England (who, if they were Radicals, could hardly be called ignorant ones, even by the hon. Member for the University of Oxford), the claim of the Church of England to an exclusive property in the clergy reserves was not valid; that the claim of the Church of Scotland to a share of that property was valid, and that the claims of the Nonconformist clergy might also be valid. This decision appears to have been in conformity with the intentions of the framers of the Constitutional Act, for the present Lord Harrowby stated to the Canada Committee of 1828 that

> "Lord Grenville, who had constructed the system of the clergy reserves, had told him that it was a good deal derived from information with regard to the system pursued in the state of Pennsylvania, and that the distinction of a 'Protestant clergy' was meant to provide for any clergy that was not Roman Catholic."

In fact, this was the sense in which the term "Protestant clergy" was generally used in North America, as signifying the Nonconformist clergy as well as clergy of the Church of England. It was certainly so used in the Quebec Act of 1774, for that Act evidently proceeded upon the principle of religious equality, providing that the clergy of every Christian sect should be supported by tithes; the Roman Catholic clergy by Roman Catholic tithes, the Protestant clergy by Protestant tithes.

These facts show that the people of Upper Canada had good reason for affirming that the clergy reserves ought not to be appropriated exclusively for the benefit of one denomination of Protestants; and the representatives of Upper Canada came to the conclusion, partly on the grounds of religious equality, partly because tithes had never been paid in Upper Canada to the Roman Catholic clergy, and partly because the Roman Catholics had no statutory provision for their clergy in Upper Canada, that the clergy reserves should be applied for the equal benefit of every Christian sect, and that the best mode of accomplishing this object would be to sell the reserves and to apply their proceeds to purposes of general education. From the year 1826 to 1839, in four different Parliaments, on fourteen distinct occasions, the House of Assembly of Upper Canada declared by large majorities its opinion that the clergy reserves ought to be sold, and their proceeds applied to purposes of general education. It passed various Bills and Resolutions to that effect, each of which was rejected by the Legislative Council, which was, as everybody knew, an anti-popular body of nominees, consisting chiefly of a faction well known by the name of "the Family Compact." During this period two Royal Commissions were issued to inquire into the grievances of the people of Canada, and both Commissions reported on the subject of the clergy reserves in accordance with the views of the House of Assembly of Upper Canada. First, Lord Gosford reported in 1837, that—

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> "The only effectual cure for evils occasioned by the clergy reserves was to adopt some mode of making them available to all religious sects; but there would be many difficulties in defining religious sects, and in allotting the proportions to be given to each. Our opinion would therefore be in favour of applying the proceeds of the clergy reserves to purposes of general education."

Secondly, Lord Durham reported, in 1839, that

> "The result of any determination on the part of the British Government or Legislature to give one sect a predominance or superiority, would be but to endanger the loss of the colony; that it was important that question should be so settled at to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns; that he knew of no mode of doing this but by repealing all provisions in the Imperial Acts relating to the clegy reserves, leaving them to the disposal of the local legislature, and acquiescing in whatever decision it may adopt."

Now, this is the object of the present proposal of the Government. During the same period every Secretary of State for the Colonies under whose consideration the question of the clergy reserves was brought, declared his opinion that it was a local question, which ought, at least in the first instance, to be dealt with by the local Legislature. First, in 1832, the Earl of Ripon, in reply to several Resolutions of the House of Assembly of Upper Canada—declaring that the Imperial Parliament ought to pass an Act for the sale of the clergy reserves, and to empower the local Legislature to apply the proceeds to purposes of general education—invited the Legislature of Upper Canada to exercise the powers given to it under the Constitutional Act to vary or repeal the provisions of the Constitutional Act relating to the clergy reserves. In consequence of this invitation the representatives of the people endeavoured to exercise these powers, but their efforts were defeated by the nominees of the Legislative Council. Secondly, in 1835 Lord Glenelg refused to comply with the prayer of an Address to the Crown from the Legislative Council, in which "the Family Compact" prayed, in opposition to the wishes of the representatives of the people, that the Imperial Parliament should undertake the settlement of the question of clergy reserves. Lord Glenelg refused for two reasons:—

> "1. Because Parliamentary legislation on any subject of exclusively internal concern in any colony possessing a representative assembly is, as a general rule, unconstitutional. 2. Because the authors of the Constitutional Act had declared the question of clergy reserves to be one in regard to which the initiative is expressly reserved and

recognised as falling within the peculiar province and special cognisance of the local legislature."

In 1839, my noble Friend the Member for the City of London refused the assent of the Crown to a Bill of the Legislature of Upper Canada, which provided that the clergy preserves should be sold, and which delegated to the Imperial Parliament the duty of appropriating the proceeds for religious purposes. My noble Friend refused to accept for Parliament the delegated office, partly because he asserted "that the provincial Legislature could bring to the decision of this question an extent of accurate information as to the wants and general opinions of society in that country in which Parliament was unavoidably deficient." The right hon. Baronet (Sir J. Pakington) has made specific reference in his unsent despatch to the Act of 1839, as showing a desire on the part of the people of Upper Canada that the Imperial Parliament should undertake the settlement of the question of the clergy reserves. As this was the only occasion that I know of—on which the House of Assembly of Upper Canada had consented to ask Parliament to settle the question of the disposal of the clergy reserves, I must state that this Bill was passed by the fourteenth and last Parliament of Upper Canada, and that the House of Assembly of that Parliament did not represent the people of Upper Canada; for Lord Durham stated, in his Report, that at the general election in a number of instances the elections were carried in favour of the Government by the unscrupulous exercise of the influence of the Government; and Sir Francis Head, who was then Lieutenant Governor of Upper Canada, boasted that he had added forty supporters of the Government to the House of Assembly, consisting of sixty-two Members; yet even in this packed House of Assembly, so strong was the popular feeling on the subject of the clergy reserves, that Sir Francis Head failed in settling that question according to his wishes. In 1839, however, when Sir George Arthur was Lieutenant Governor, the House of Assembly, by the casting vote of the Speaker, did pass a Bill, which provided that the clergy reserves should be sold, and that their proceeds should be appropriated by the Provincial Legislature for education and religion. This Bill, therefore, retained to the local Legislature the power to dispose of the proceeds of the clergy reserves; but the Legislative Council struck out the words "Provincial Legislature," and inserted the words "Imperial Parliament," and thus delegated to the Imperial Parliament the disposal of the proceeds of the clergy reserves. The Bill so amended was carried at a late hour of the last night before a prorogation, by a majority of one in the House of Assembly. This was the only occasion I know of in which the House of Assembly of Upper Canada consented to ask Parliament to settle the question of the disposal of the proceeds of the clergy reserves.

I now come to the Bill which the Legislature of Upper Canada passed in 1840, and which the right hon. Baronet the Member for Droitwich has described as being similar in principle to the Imperial Act of the same year. At that period the late Lord Sydenham was Governor-in-Chief of Canada. He was very anxious that the question of the clergy reserves should be settled before the reunion of the Canadas. To accomplish this he exerted to the utmost his great ability and Parliamentary tact; he submitted to the Legislature the draught of a Bill, which was, in substance, carried through the House of Assembly, by the smallest majority. It provided that one-half of the clergy reserves should be divided between the Churches of England and Scotland, in proportion to the number of their members, and that the other half should be divided between the other denominations of Christians, in proportion also to the number of their members. That Bill was therefore based nearly upon the principle of religious equality between Christian sects. Lord Sydenham was very anxious that it should become law. He declared that—

> "It would not be possible to obtain such favourable terms for the Established Church or for religious instruction in any future Assembly of Canada; that even to this Bill insuperable objections were entertained in Upper Canada; that for many years the representatives of the people had uniformly refused to assent to an appropriation of the clergy reserve fund for religious purposes; that on fourteen different occasions they had recorded their opinion that it ought to be applied to education or general purposes; and that their assent to such a measure as this could never again be looked for."

Unfortunately it was not in the power of the Government to give the Royal Assent to this Bill. As soon as it was laid before Parliament it was vehemently denounced in both Houses—in this House, by the right hon. Baronet the Member for Droitwich and his friends. In the other House it was attacked by a right rev. Prelate, famed for his legal lore, and for a litigious spirit which makes him the pest of his diocese. [*Cries of* "Order!"]

SIR ROBERT H. INGLIS rose to order. A particular individual in the other House of Parliament had been described by the right hon. Gentleman as "the pest of his diocese." Whoever might be so described was a Member of the other House of Legislature, whose proceedings were not properly subject to revision in the House of Commons.

SIR WILLIAM MOLESWORTH: The hon. Baronet ought to have given this lecture before. He ought to have interrupted the right hon. Baronet opposite (Sir J. Pakington) when he referred in no very courteous terms to another individual, also a right reverend Member of the other House. I do assert, however, that the right rev. Prelate I alluded to has shown that spirit both by his conduct upon the Bill of 1840, and by his conduct upon the Bill now before the House. That right rev. Prelate raised a question as to the power of the Legislature of Upper Canada to pass the Bill of 1840, and carried a proposition, in another place, against the Government, in favour of that question being put to the Judges. The question was put to the Judges, and they unanimously decided that the Legislature of Upper Canada had not authority to pass the Bill in question. This decision was in opposition to the opinion which had been expressed by the Lord Chancellor in the debate on the right rev. Prelate's Motion. It showed that for at least twenty years every Governor-in-Chief of Canada, every Lieutenant Governor, Legislative Council, and House of Assembly in Upper Canada, and every Secretary of State for the Colonies, had been in error respecting the powers which the Canadian Legislature possessed under the Constitutional Act. The result of this decision was, that the assent of the Crown could not be given to the Bill of the Legislature of Upper Canada, and Imperial legislation became necessary. Then there were three measures, either of which the Government might have proposed. First, it might have proposed a measure similar to that now before the House, which would have enabled the Canadian Legislature to deal with the question of the clergy reserves. Such a measure would have been in accordance with the principles of colonial policy, that local questions should be dealt with by local legislatures; but in 1840 the true principles of colonial policy were not sufficiently recognised to enable the Government to overcome the hostility which the right hon. Baronet the Member for Droitwich and his friends showed their intention to offer to any measure which might occasion any considerable alteration in the distribution of the proceeds of the clergy reserves. Since then a great change has taken place in public opinion on the subject of colonial government. That change was brought about in no small degree by the discussions with regard to the Canadian rebellion, and by the report on Canada, which makes the name of Lord Durham justly renowned. That Report was written with the assistance of two men of great abilities, who will ever be remembered as colonial reformers—I mean Mr. Gibbon Wakefield and my late friend Mr. Charles Buller;—to them, more than to any other two persons this country is indebted for sound views of colonial policy with respect both to Canada and Australasia, and on the subject of transportation. Those views have been gradually adopted by most of the statesmen of the day—by my noble Friend (Lord J. Russell) who, in 1840, was the first really liberal Secretary of State for the Colonies; by Earl Grey, whose government of Canada was deserving of all praise; and even the right hon. Baronet (Sir J. Pakington) has, in some respects, been a not unworthy pupil of the school of colonial reform. Though he sounded the other night the trumpet of his renown as Colonial Secretary with a somewhat stentorian blast, yet it must be admitted that he deserves credit for his opinions with regard to Australia, and his intentions with reference to transportation. On the subject, however, of Canada, his mind is still immersed in Stygian darkness, and his conduct shows that he has not yet mastered the elements of colonial policy—that he is, in fact, still the same man who in 1840 did his best to prevent a proper settlement of the question of the clergy reserves.

SIR JOHN PAKINGTON: I supported the Bill of 1840.

SIR WILLIAM MOLESWORTH: I know you did, but you and your friends resisted and defeated the first measure which was proposed by my noble Friend, and to which I will now refer. I said there were three courses which the Government might have proposed to pursue in 1840. The first I have already mentioned; the second would have been to introduce the same Bill as that which had received the assent of the Legislature of

Upper Canada. This course would also have been unobjectionable in principle, and it was the course which my noble Friend first proposed to adopt. For he stated in his place in this House, that he wished to bring in a Bill as nearly as possible the same as that to which he was reluctantly compelled to refuse the Royal Assent; but my noble Friend was compelled to abandon this course by the opposition of the right hon. Baronet and his Friends. Therefore the only remaining course was for my noble Friend to take the least bad Bill which the Opposition would permit him to carry; and my noble Friend stated in his place that a compromise had been made between the Government and the representatives of the Church of England and the friends of the Church of Scotland. The result was, the Act of 1840. That Act provided that the proceeds of the clergy reserves sold before 1840 should be divided into three equal parts—two of which should be for the Church of England, and one for the Church of Scotland. It also provided that the proceeds of the clergy reserves sold after 1840 should be divided into six equal parts, two of which should be for the Church of England, one for the Church of Scotland, and the remainder should be applied by the Government for the purposes of public worship and religious education. I estimate, if this Act were to continue in force, and the clergy reserves were to be sold at the same rate as they were sold at before 1840, two-fifths of their proceeds would belong to the Church of England, one-fifth to the Church of Scotland, and the remainder would be applicable for the support of public worship and religious education.

A return has just been presented of the amount of the clergy reserve fund since 1840, and its distribution under the Act of 1840. I have compared that return with the census of the population of Canada in 1851. I find that in Upper Canada the population in 1851 was 952,000, and that the total amount of the proceeds of the clergy reserve fund since 1840 has been 271,000*l.*; that the members of the Church of England were 223,000, or less than one-fourth of the population, and that they have received 148,000*l.*, or more than half of the clergy reserve fund; that the members of the Church of Scotland were 58,000, or less than one-sixteenth of the population, and they have received 64,000*l.*, or about one-fourth of the clergy reserve fund; that the members of the Church of Rome (who have neither tithes nor other endowments in Upper Canada) were 168,000, or more than one-sixth of the population, and they have only received 20,000*l.*, or about one-thirteenth of the clergy reserve fund; and that the remaining denominations of Christians amount in number to 441,000, or to more than four-ninths of the population, and that they have only received 18,000*l.*, or about one-fifteenth of the clergy reserve fund.

I find that in Lower Canada in 1851, the population was 890,000, and that the amount of the clergy reserve fund, since 1840, has been 32,000*l.*; that the members of the Church of England were 45,000, and that they have received 22,000*l.*; and that the members of the Church of Scotland were 4,000, and that they have received 9,000*l.* These facts show that the principle of the Act of 1840 was to favour the Churches of England and Scotland in Canada. It was therefore contrary to the principle of the Constitutional Act of 1791, which drew no distinction between the various denominations of a Protestant clergy. It was also contrary to the principle of the Bill of 1840 of the Legislature of Upper Canada, which divided the proceeds of the clergy reserves nearly equally between the various denominations of Christians. It was therefore an attempt to settle the question of the clergy reserves by a compromise; not between conflicting and contending parties in Canada, who were deeply and directly interested in the question, but between parties in this House, whose interest in this question was only remote and imaginary. In fact, it was a compromise made in opposition to the wishes and feelings of the people of Canada, in order to gratify the idiosyncracies of a portion of the Imperial Parliament, which consisted of the right hon. Baronet and his friends. This cannot be denied; for my noble Friend (Lord J. Russell) himself in 1840 declared that he did not consider it a good measure, but only a less evil than leaving the question of the clergy reserves unsettled at that moment. When the Act of 1840 reached Canada, Lord Sydenham strongly condemned it. He declared—

> "That the proportion allotted to the Church of England was monstrous, and was grounded upon claims either wholly without foundation, or upon a complete perversion of previous Acts of Parliament; and that the proportion set apart for purposes connected with parties not belonging to either of these two Churches was miserable."

Lastly, the House of Assembly emphatically denied that the Act of 1840 was ever accepted by the people of Canada as a final settlement of the question of the clergy reserves; for, on the 14th of September last, a Motion declaring that the people of Canada had concurred in the final settlement of that question by the Act of 1840 was rejected by a majority of fifty against a minority of eighteen. Of that majority twenty-five were Protestants, and twenty Upper Canadian members. Of the minority eighteen were Protestants, and fourteen Upper Canadian members. Therefore, the absolute majority of Protestant and Upper Canadian members was equivalent to absolute majorities of from 90 to 100 in a house of 591 members. I find that the persons who first attempted to upset this settlement of 1840 were the members of the Church party themselves. In 1846 they sought to carry a Resolution for an Address to the Crown, that the proceeds of the clergy reserves might be divided, apportioned, and conveyed to themselves and other denominations recognised by the Act of 1840. They obtained a Committee of the House of Assembly, but the House refused to adopt the Report of that Committee.

Sir, I will, however, suppose, for the sake of argument, that the Act of 1840 was considered by the people of Upper Canada as a settlement of the question of the clergy reserves. I ask—have not the people of Upper Canada a right to change their mind upon the subject? Is the right hon. Baronet (Sir J. Pakington) entitled to a monopoly of the privilege of changing opinion? Has he not changed his opinion since last year? What did the right hon. Baronet say last year? In his despatch of the 22nd of April last he abandoned the position that the Act of 1840 was a final measure. He declared that—

> "It might possibly be desirable that the distribution of the proceeds of the clergy reserves should from time to time be reconsidered, and that any proposals of such a nature Her Majesty's Government would be willing to entertain."

If the right hon. Baronet still holds this opinion, then the only question at issue between us is, by whom ought the Act of 1840 to be from time to time reconsidered and altered? By the Imperial Parliament or by the colonial Legislature? The right hon. Baronet would say by the Imperial Parliament. But why should Parliament undertake so difficult and thankless a task? It can only alter that Act in one of two ways, either in accordance with, or in opposition to, the wishes of the people of Canada. I will consider each alteration. First, I will suppose that Parliament would desire to alter the Act of 1840 in accordance with the wishes of the Canadian people. In order to do so, it would have first to ascertain their wishes. Now, there is only one constitutional mode of ascertaining the wishes of the people of a colony which has representative institutions, and that is to ascertain the wishes of the representatives of the people in provincial Parliament assembled; for the Imperial Parliament cannot admit that petitions, however numerously signed by persons however respectable, can prove that the opinions of the people of a Colony are in opposition to those expressed by their representatives in provincial Parliament assembled. Therefore, if the Imperial Parliament desire to legislate on this matter in accordance with the wishes of the people of Canada, it would have first to ascertain the precise measure which the Canadian Legislature would pass if it had power, and Parliament would then convert that measure into an Imperial Act. It is evident, however, that the simplest mode of accomplishing this result would be to empower the Canadian Legislature to alter the Act of 1840. Therefore, the only valid reason which can be assigned why the Imperial Parliament should undertake the difficult and thankless task of from time to time reconsidering and altering the Act of 1840 is, that it might be the duty of Parliament to alter that Act, in opposition to the wishes of the Canadian people. I do not deny that there are cases in which it might be the duty of the Imperial Parliament to legislate in opposition to the wishes and interests of the inhabitants of a part of the Empire; but the only cases of that description which I can imagine, are those in which the interests of the part conflict with those of the whole Empire, and in which therefore the interests of the part must be sacrificed to the interests of the whole. Now, do the interests of the British Empire demand that the Imperial Parliament should legislate on the subject of the clergy reserves in opposition to the wishes of the Canadian people? Or, in other words, is that question an Imperial or a local one?

Sir, I have shown, that from 1791 to the present moment every authority on colonial matters has declared his opinion that the question of the clergy reserves is a local one, which ought, at least in the first instance, to be decided by the local legislature. I have also shown that each successive authority has declared that opinion with more emphasis than his predecessor. In fact, there has been a steady progress of opinion on this subject. That progress of opinion has been the necessary consequence of the progress of the principle of religious equality. In former days it was held to be the duty of the State to encourage one form of theChristian faith, and to discourage every other form. That opinion cannot now be maintained, because all Christian sects are now admitted on equal terms into this House. Therefore, it must be acknowledged that the State is now not entitled to interfere with the religious faith of its subjects in this country, or to attempt to induce or compel them to adopt one form of Christianity in preference to another; and, if so, then, *à fortiori*, the State is not entitled to interfere with the religious faith of its subjects in the Colonies, or to attempt to induce or compel them to adopt, support, or maintain one form of Christian worship in preference to another; and, therefore, all questions affecting the religious faith of our colonists, or the mode in which their faith shall be maintained—in short, all questions respecting religious endowments in our Colonies, are local and not Imperial questions, which ought to be dealt with by the local and not by the Imperial Parliament.

It was said, however, by the right hon. Baronet (Sir J. Pakington) that if we transferred to the Legislature of Canada the power of dealing with this question, it would disendow the Church of England in Canada, and secularise those reserves; and that such a disendowment would be a violation of the principle of property, and a sin to which, by passing this Bill, we should give our sanction. I deny this conclusion; for I contend the principle of property requires no more than that the reasonable expectations, or the rights of existing persons to a property, should be respected, or not disturbed without compensation. Now, this Bill provides that existing interests shall be respected, and does so at the especial request of the Canadian Legislature. What more can be required? The principle of property does not require that the unformed expectations and non-existing rights of uncreated persons should be respected. On the contrary, our law abhors perpetuities, as opposed to the nature of things. It forbids a man to entail his estate beyond a very limited extent: it seizes a portion of certain kinds of property as they pass from generation to generation. Upon precisely the same principle that a man ought not to have power to entail his estate for ever, the State ought not to entail any portion of the public estate in perpetuity; and therefore provided that existing interests are respected, the State is not bound to respect an endowment by any obligation arising out of the principle of property, but only on the grounds of the public utility of the endowment, or of the inexpediency of disturbing it. Therefore, if this Bill passes, the Canadian Legislature may secularise the clergy reserves, if they think fit to do so, without violating any principle of property, provided that it respects existing interests. It should be remembered, also, that if this Bill passes, the Canadian Legislature will only acquire the same power over Protestant endowments as it at present has over Roman Catholic ones. How the Canadian Legislature would act, I cannot pretend to say, nor will I attempt to determine. I will only express my strong opinion that the longer you delay giving to the Canadian Legislature power to deal with this exclusively local question, the more certain you may be of the ultimate disendowment of the Church of England in Canada. The right hon. Baronet seemed to think that the secularising of the clergy reserves would be very injurious to the Church of England in Canada. I perfectly disagree with him. I should be sorry to support any measure which, in my calm judgment, I should think would be injurious to the Church of England, because individually I prefer the doctrines and discipline of the Church of England to those of any other religious denomination. But there is so strong a feeling throughout North America against religious endowments by the State, and in favour of the voluntary system, that the fact of the Church of England being endowed makes it an object of suspicion and jealousy, and does it far more harm than it derives good from its share of the clergy reserves.

I will only refer to one other argument which has been urged against this Bill by the right hon. Baronet. That argument was, that the friendly feelings which had sprung up since the reunion of the Canadas between the British and French population would be liable to be disturbed; and there would be danger of the revival of animosity and discontent among the inhabitants of Upper Canada, if they were now to be deprived of the fund for the support of religious worship which they had so long derived from the proceeds of the clergy reserves. To this I answer, that all experience shows that there is no surer mode of engendering animosity with a colony—no more certain way of begetting hatred of a mother country—no speedier process for inspiring colonists with disaffection and disloyalty, than for the Imperial State to league itself with the minority of the inhabitants of a colony to defeat the wishes of a majority with regard to a strictly local question. Now, if you reject this Bill, you will league yourselves with the minority of the inhabitants of Canada—with the minority of the Protestant portion of the population of Canada—with the minority of the Upper Canada section of that province, in order to defeat the wishes of three different majorities.

I have now examined, and endeavoured to reply to, the chief arguments which have been urged against this Bill by the right hon. Baronet the Member for Droitwich. I will therefore conclude with repeating, that the real question, stripped of all matters foreign to it, which the House has now to decide, is—will you adopt, as the rule of your colonial polity, that all questions affecting exclusively the local interests of a Colony which possesses representative institutions shall be decided by the local Legislature? That rule should, in my opinion, be the axiom from which your whole system of colonial government should be deduced. The strict adherence to it would more than anything else strengthen and render permanent your vast Colonial Empire. I therefore entreat you now to apply it to the greatest of your dependencies by assenting to the second reading of this Bill.

Lord JOHN MANNERS:* It is an old observation, Mr. Speaker, that when any wrong, fraud, or crime is to be perpetrated by a Sovereign, a nation, or a mob, some high-sounding phrase, some specious pretext will not be wanting to cover or to palliate it: torrents of innocent blood have been shed in the name of liberty, and Lord George Gordon, and the noble Lord the Member of the City of London, found it easy to raise a sacrilegious mob in the name of pure and undefiled religion; and so now, Sir, have Her Majesty's Conservative Government introduced one of the most unjust and unwise of legal robberies under the specious title of a concession to the principle of religious equality. Those, Sir, are strong expressions. I am sorry I cannot retract or modify them. Give me leave, on the contrary, to justify their use. The measure is essentially unjust, and the slightest glance at the past history of these Clergy Reserves, given in such detail by the right hon. Baronet Sir W. Molesworth, will prove that my proposition is just and sound. Who ventures to doubt for a moment that the power which acquired these lands originally, had the moral and legal right to dispose of them? Was it Canadian wealth, or force of arms—was it the power or influence of the ancestors of Messrs. Hincks and Papineau, and the majority of the present House of Assembly that acquired these lands? By no means; it was the Sovereign and the Empire of Great Britain, who either conquered or purchased them. Is there, then, any pretext for saying that George III. in recommending, and the Imperial Parliament in sanctioning, the original grant of these lands for religious purposes, were exceeding their rightful powers, or disposing of property that did not belong to them? I do not see in any, even of Mr. Hincks's speeches, such an allegation. If, then, that point be conceded—if the original disposition of the proceeds of these lands was sound and valid in law and public morality, how, can you now, by *ex post facto* legislation, proceed to confiscate these lands without committing a gross injustice? For the present, Sir, I pretermit all reference to the obvious and fatal results of this measure, and confine myself to considering the pleas which are set up in defence of its justice; so far as I know they are two: one drawn from certain words in the Act of 1791; the other, on which the right hon. Baronet Sir W. Molesworth, who preceded me, mainly relied—the colonial right of self-government. It is contended then by the Act of '91, a power was reserved to the Canadian Legislature to "vary or repeal" the provisions respecting the allotment or appropriation of these lands; but, Sir, the House will not forget, I trust, that the opinion of the Judges in 1840, distinctly established that the powers given by the Act of 1791 to the local Legislature, "to vary or repeal," applied only to prospective legislation; and that the application of the Clergy Reserve Fund could not at all be retrospectively affected by the Canadian Legislature; and the Judges illustrate their dictum by a reference that ought to be pregnant with meaning to a Government that was conservative of anything. But after the language of the right hon. Baronet on the whole subject, more especially that towards the close of his speech, which must assuredly have sounded strangely in the ear of the right hon. Gentleman who sits beside him as a Colleague (Mr. Gladstone), we shall perhaps be told that the Government no longer wish to be regarded as a Conservative Administration. It would be very instructive to hear whether that right hon. Gentleman concurs in the characteristic course designated as the proper rule of the Government by the consistent Radical who now sits on the Ministerial bench. The Judges, Sir, refer to the Statute of Wills, "the provisions of which," they say, "might be varied or repealed without affecting the devises of land already made under it." But this measure of the Government recognises no such distinction, and is, therefore, opposed to the opinion of the Judges, and sins against the rights of property. The power then given by the Act of 1791 to the Colonial Legislature "to vary or repeal" being only prospective, the Canadian Parliament is entitled to legislate only with regard to the portion of reserve lands which remains unappropriated—a quantity so small, that the local Legislature would probably feel little grateful for the power to deal with it. But, granting whatever weight you please to those words, I contend that Act was overridden by the Act of 1840, a measure which the Legislature of Upper Canada had itself sought from the Imperial Legislature; which had been proposed to that Imperial Parliament in language the most emphatic, by the noble Lord, then our Colonial Minister; which had received the solemn sanction of Judges; which had been declared in its very preamble to be the final settlement of the matter; and which, on being transmitted from the Imperial Parliament to Canada, was received there by the general population with satisfaction. Yet this Act, so solemly ratified, the House is now called upon to repeal and annul. I contend, therefore, that no weight can be attached to the argument derived from those words in the Act of 1791; and I now come to deal with the other plea set up to vindicate the justice of this Bill, a plea well epitomised in the Duke of Newcastle's despatch as "the right of dealing as they" (the people of Canada) "may think proper with matters of strictly domestic interest." I yield to no man in the sincere desire to see our North American provinces rise up into self-depending, integral portions of our empire; but once concede to the Colonial Legislatures the power of deciding what is and what is not matter of purely domestic interest, then our colonies will be colonies of our empire no longer. Every Constitution that has been sent out to our colonies contains a reservation of certain subjects on which the Colonial Legislatures are not to legislate; but once leave it to the Colonial Legislatures to determine for themselves what are purely matters of domestic legislation, with which, according to the doctrine of the present advisers of the Crown, the Imperial Parliament is not to meddle, and the control of the Imperial Parliament over our colonies is for ever extinguished. Suppose another fishery dispute, and England, for Imperial purposes and on Imperial grounds, takes a course hostile to the wishes, perhaps temporarily injurious to the interests, of Canada, and that the Canadian Legislature resolve that the relations between our North American provinces and the United States were purely a matter of local interest, what would the right hon. Gentleman say? Would you, who now lay down this unerring rule of action, venture to depart from it on so momentous an occasion? If you claim the right of deciding what are and what are not matters of strictly domestic interests, then, I say, you only postpone the day of conflict, you but weaken your own cause, and prepare your own inevitable defeat. What, after sacrificing property so solemnly granted, so long enjoyed, devoted to such sacred purposes, so interwoven with the Imperial legislation of generations, is there any attribute of royalty for which you will contend, or for which you will venture to say you hope to contend successfully? But, if you tell me, retaining the right of deciding what are matters of purely colonial interest, we defend this measure as dealing with a strictly Canadian subject, then do I join issue with you, and say, assuredly, this present matter is not one of purely domestic concern to the Provincial Legislature. The question how the property involved had been first obtained has already been answered. Next, it may be safely affirmed, that the appeal now made by the Canadian Legislature, and the response afforded by the proposed measure, of themselves prove that these parties do not consider the matter in itself one of domestic concern. Thirdly, I ask, who are the recipients of the fund? The bishops and clergy of the United Church of England and Ireland in Canada, within the metropolitan province of Canterbury. Again, by whom is the fund managed? By persons living in Canada, and subject to the control of the Canadian Legislature? No, but by a society in this country, whose management of the miserable pittance is above all praise. From the petition of that society, the Society for the Propagation of the Gospel in Foreign Parts, which was earlier in the evening presented by the senior Member for the University of Oxford, I will read a paragraph which I earnestly recommend to the attention of every member of the Church of England—among whom I truly rejoiced to hear the right hon. Baronet this evening number himself. The petitioners stated—

> "That there are in the said province of Canada many thousands of poor members of the United Church of England and Ireland, who, being scattered over that extensive province, could not without some assistance provide for themselves and their children the regular ministration of a resident clergy; that the number of such persons is every year increased by the arrival of emigrants from this country, most of whom are of the poorer class; and that such emigration has been encouraged by various Acts of Parliament and by Her Majesty's Government, and has gone forward of late years on a scale very much larger than it ever did before; that the society has, so far as lay in its power, and not without crippling its missionary efforts in the dependencies of the Empire, endeavoured to supply the deficiencies of the said endowment out of the funds entrusted to it by charitable persons in this country; but that, notwithstanding all its efforts, there are many districts, the inhabitants of which can seldom, if ever, be visited by any minister of religion; and that, on a census taken some time ago, many thousand persons actually returned themselves as not belonging to any religious communion at all."

Well, then, Sir, I say that these clergy reserves so obtained, so dedicated, so guaranteed, and so administered, must be regarded as one of the established institutions of the Empire, and that this measure for their confiscation is essentially unjust. Hitherto I have been considering the question solely on the abstract ground of justice: allow me now to give my reasons for believing that it affords no exception from Lord Shaftesbury's memorable dictum, that what is morally wrong, cannot be politically right. The right hon. Baronet affirmed that the large preponderance of opinion in the Upper Province, as represented by the House of Assembly, was in favour of the measure; but so far as could be judged from the old census—the only census to which I have access—it would appear that the preponderance of opinion was, on the contrary, against the measure; the members who were against the proposal representing a population of 409,037, while the members who were in favour of the measure represented only 384,052, while in the new Parliament the members favourable to the clergy reserves are 20 against 17 only, in the old Parliament; but, more than this, the four gentlemen most notorious for their hostility to the reserves, lost their seats, and the population of the constituencies gained by the supporters of the reserves amounted to 196,277, against a population of only 55,482 of constituencies gained by their opponents. I am indebted for these figures to the pamphlet of Archdeacon Bethune, and I think they show that, as far as the Upper Province is concerned, there is at any rate no overwhelming feeling in favour of this measure; while no one doubts that a great weight of property and respectability in Upper Canada is in favour of these reserves. Allow me, then, to call your attention to what must follow their confiscation. Half the population of Upper Canada, who had seen this property set apart for the maintenance of their clergy, and for the instruction of their children, will be called upon to submit to its being confiscated and secularised by the vote, not of persons of their own persuasion, but by the vote of the Roman Catholic members of the Lower Province; and they will see, simultaneously with that confiscation, the Church of Rome, in the Lower Province, maintained in all its splendid endowments, which the justice of former English Sovereigns, no less than the enduring justice of every English Parliament, had permitted that Church to continue to enjoy. What must be the inevitable result of such a state of things? They would fill the people of Upper Canada with feelings of grief and dissatisfaction, at seeing those from whom the injury they were suffering mainly come, retaining their church property and the whole of their ecclesiastical endowments; and do hon. Members suppose that it is consistent with human nature for men, under such circumstances, to stand still and calmly submit to so unrighteous a despoilment? The right hon. Gentleman, indeed, seemed to think it probable that the people of Upper Canada would attack the property of the Roman Catholic Church in the Lower Province. If any person doubts that that will be the case, let me refer to the memorial presented to Her Majesty in 1850, upon that subject. That memorial was drawn up by no partisan demagogue; it expressed the feelings of no trader for popularity, but it was prepared by men eminent for their social position, for their moral worth, and for their influence over the religious feelings of the Protestant population of Upper Canada. The memorialists represented to Her Majesty that the fact of several members of the Roman Catholic communion in the Legislative Assembly, voting for the alienation of the property of the Church of England, would have the effect of provoking and exasperating religious divisions and animosities in the Upper Province, and of creating, at no distant period, a movement which it would be impossible to restrain for alienating the ecclesiastical property held by Roman Catholics in Lower Canada. What, then, becomes of your message of peace? It is an incentive to war—to the worst of wars—a war of religion. Indeed, the Under Secretary of State the other night, and to-night the right hon. Gentleman, had taken some pains to show that this Bill would only be a measure of religious equality, and that there was nothing in the present state of the law which prevented the alienation, by the Canadian Parliament, of the property of the Roman Catholic Church in the Lower Province. With all due submission, I cannot look with satisfaction at the prospect which the right hon. Gentleman held out. It never can be a happy state of things, that in order to remedy one act of injustice, they should perpetrate another; or, in order to compensate the Upper Province, they should confiscate the endowments of the Roman Catholics in the Lower Province. But allow me to suggest an inquiry into the accuracy of this representation. Is it true and correct to say that if we pass this Bill in its present shape we shall place the Church of Rome, the Church of Scotland, and the Church of England in Canada upon a footing of religious equality, as far as legislative interference with their property is concerned? The Bill undoubtedly proposes to give full and plenary power to the Legislature of Canada to deal with the clergy reserves, with one reservation. Every Act passed by the Canadian Parliament on this subject must be subject to the conditions of the 35th, 37th, and 38th sections of the 3 & 4 *Vict.*, c. 35. Therefore to understand the powers conferred by the Bill on the Canadian Legislature, it is necessary to refer to the 37th section of the Act of 3 & 4 *Vict.*, c. 35. By that section it was enacted—

> "That whenever any Bill which has been passed by the Legislative Council and Assembly of the Province of Canada shall be presented for Her Majesty's assent to the Governor of the said Province, such Governor shall declare, according to his discretion, but subject, nevertheless, to the provisions contained in this Act, that he assents to such Bill in Her Majesty's name, or that he withholds Her Majesty's assent, or that he reserves such Bill for the signification of Her Majesty's pleasure thereon."

Well, then, are all the sections of that Act imported into this Bill by this reference to its provisions in the 37th section? If so, the 42nd section of course is; but what is the effect of this 42nd section? Why, it is enacted, that whenever any Bill should have passed the Colonial Legislature to vary any of the provisions then in force, contained in the 14th *Geo.* III., chap. 83—

> "Respecting the accustomed dues and rights of the clergy of the Church of Rome, or to vary or repeal any provisions respecting the allotment and appropriation of lands for the support of the Protestant clergy within the province of Canada, or respecting the constituting, erecting, or endowing of parsonages or rectories within the province of Canada, &c., every such Bill shall, previously to any declaration of Her Majesty's assent thereto, be laid before both Houses of Parliament; and that it shall not be lawful for Her Majesty to signify her assent to any such Bill until thirty days after the same shall have been laid before the said Houses, or to assent to any such Bill in case either House of Parliament shall, within the said thirty days, address Her Majesty to withhold Her assent from any such Bill."

Now, as the 37th section of the Act of 1840, which recognises the 42nd section which I have just quoted is imported into the Bill, I want to know if the 42nd section does not become a part of the measure? If so, then it is clear, that the Government, so far from giving to the Canadian Legislature the free control and management of these Clergy Reserves, does no such thing, but compels every measure passed by that Legislature to be laid before the Imperial Parliament, and to be subject to the refusal of the Royal assent by an Address from either of the Houses of the Imperial Parliament. If this be so, what becomes of all those fine sounding phrases about respecting colonial rights, and of placing colonial legislation upon the only true principle of colonial self-government? Why, if the Bill bears the construction which I believe it might be held legally to bear, the whole proceeding is a sham, a delusion, and a fraud; and the Legislature of Canada will find that they are just as subject to the *veto* and control of the Imperial Parliament after the passing of this Bill as they are at present. But if on the other hand the 42nd clause is not included in this reference to the 37th, and nothing but the *veto* through the Secretary of State (never intended to be used), is to be retained, then it is clear that the statement of the right hon. Gentleman was not correct; and that while you are reserving to the Church of Rome all the protection and safeguards which the 42nd clause of the Act of 1840 gave to that Church, you are expressly taking away that protection from the property of the Church of England. Is this religious equality? Is this teaching the members of various religious communities in Canada to live in peace and harmony together? The House will allow me most respectfully to ask by whose vote will this measure be carried, if carried at all it is to be? I believe, whichever way they may solve the question, the result, the inevitable result, will be the same. If the Canadian Parliament have the same power to deal with Roman Catholic property, as under this Bill they will have to deal with the Clergy Reserves, they will be forced to do so; for it is vain to suppose that the aggrieved Protestants of Upper Canada will admit the fine-drawn distinction of the right hon. Gentleman, that the Roman Catholic endowments are mainly for charitable and educational, not Church, purposes; or, if, as I rather suspect, this Bill retains for the Roman Catholic Church safeguards and protection, which it takes away from the endowments of the Churches of England and Scotland, it then, Sir, becomes our duty, still more the duty of the Government, and still more that of every Roman Catholic Gentleman who votes for the Bill, either so to amend it as to place all religious endowments equally at the mercy of the Canadian Parliament, or to pass another measure which shall have that effect. By whose vote, then, is this measure to be passed? There cannot be a reasonable doubt, that if passed at all, it will be by the votes of those Gentlemen who represent Roman Catholic constituencies, and who are themselves members of the Roman Catholic Church. I have no right to advise those hon. Gentlemen, still less the inclination to dictate to them; but I trust, with the utmost respect, I may be permitted to recall to their recollection the words which, spoken a week ago by my noble Friend the Member for King's Lynn, were cheered by the Gentlemen I now address. My noble Friend, speaking to those immediately behind and around him, said: "If the endowment of Maynooth be taken away, I tremble for the Established Church of Ireland." I venture to say, confiscate the Clergy Reserves in Upper Canada, and I shall tremble for the Roman Catholic Church endowments in Lower Canada. But more, if those Clergy Reserves should, by means of the votes of the Roman Catholic Members of that House, be confiscated, I know not by what argument from principle you can sustain Maynooth. Pleading its origin, its sustentation by successive Sovereigns, Ministers, and Parliaments, urging the known intention of the Legislature in 1845, year by year with increased difficulty the statesmen in this House have prevented its disendowment; pass this measure, and you remove every such plea for the future. Was Maynooth established by George III? So were the Clergy Reserves. Is something alleged about a compact to maintain Maynooth at the time of the Union? The Clergy Reserves were finally settled at the Union of the two provinces, and the Union itself regarded as contingent upon that final settlement. Was it the intention of Parliament in 1845 to perpetuate Maynooth? Who doubts what was the intention of the Legislature in 1840? By this act of confiscation you will involve the two provinces in a war of religious opinion, embittered and exasperated as that war must necessarily be by a sense of injustice on the part of the people of Upper Canada, and the injury and wrong which would be perpetrated upon them; and all these risks and hazards we are to run; and all these evils are to be inflicted upon the colony in the name of religious equality, and out of regard for the rights of the Colonial Legislature. Better far than this, if you really believe it to be necessary to acknowledge the virtual independence of Canada, recall your Governor General, call back your Army, call home your fleet, and let Canada, if she be so minded, establish her independence and cast off her character as a colony, or seek refuge in the extended arms of the United States. There, at least, the peaceable inhabitants of Upper Canada will find their property secure, and their ecclesiastical establishment respected; there, at least, the highest depositaries of power, the guardians of privileges and maintainers of law, will vindicate the rights of the weak against the encroachments of the strong; and there the poor struggling Church of Canada will find that defence, that protection, and that justice, which she now sues for, and which, if this measure passes, she will have sued for in vain from the High Court of Parliament of once Imperial England.

Mr. GRANVILLE E. VERNON said, it was under a consciousness of no slight difficulty that he rose, for the first time, after the noble Lord the Member for Colchester, whose honest feelings no man could respect more than himself, to endeavour feebly to advocate a cause which had been already so ably advocated by an unquestionable champion in the person of the right hon. Gentleman the First Commissioner of Works. It appeared to him that the sole issue they had to try was this: when they had given to Canada constitutional rights and a provincial Parliament, were they or were they not to respect those rights, and adhere to the spirit of their own engagements? He would not enter into a detailed history of the Act of 1791; but he concurred with the opinion, though not with the argument founded on it, of the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) that it was the intention of the Legislature to endow a Protestant clergy according to the faith and discipline of the Established Church. He believed, looking at the provision for rectories and for the episcopacy in the provinces, that it was the intention of the Legislature to erect and endow an Established Church in Canada. It was fortunate for the colonies that the word Protestant was used, a term so vague that it was possible for the Law Officers of the day to enable the Scotch Established Church to share also in that endowment. He openly professed the opinion that a National Established Church was a national blessing; but he was not so little wise as to think that a National Church could be forced on such a people as the Canadians. Such an attempt would have been unwise, impolitic, and impossible. What had been the state of the Colony? These waste lands were for many years, as they had been told, and as they all knew, the theme of constant contention. Year after year the Provincial Assembly and the Legislative Council were at issue as to the disposition of these reserves. In 1839, wearied out, as it were, by this long continued struggle, they came to some sort of agreement, and an attempt was made to pass an Act, which, for legal reasons, could not receive the Royal sanction. In 1840 the fresh constitution was given to Canada, and an arrangement was made as to the reserve lands. Then was effected what was called the settlement of 1840. There were equity and justice, no doubt, in the scope of the provisions of that settlement; but he confessed he thought there was little of wisdom and little of political foresight, in the Act of 1840. There was little of wisdom in that legislation which was to override the constitutional provisions of the Act of 1791. There was little of foresight in that legislation which endeavoured to impose finality where finality was impossible. He could not hope to emulate the eloquent language of a right rev. Prelate, who had been spoken of in terms which he regretted to hear, especially from the right hon. Baronet (Sir J. Pakington), for whom he entertained sincere respect; but he confessed that he wondered at the boldness of those who could so arraign the very decrees of Providence as to see permanence and finality in human legislation. The noble Lord who had just spoken had dwelt at some length on the Act of 1840 superseding that of 1791. No doubt they acted as a sort of umpire when called on to interfere, and, under the pressure of circumstances, thought it desirable to legislate in England. They did override the constitutional provision of 1791, and that error was what they were this evening to undo. They were about to retrace their steps, and to go back to the wisdom of their ancestors—at least, to the wisdom of their ancestors of 1791. He regretted the reopening of this question. He believed that the settlement of 1840 was fair and equitable. But he could not wonder—it was impossible to wonder—looking at the circumstances, or even at the origin of that settlement, that it had not proved satisfactory. What were the facts? It met with great opposition here. It was a compromise, and where there was a compromise, unless it was founded upon a positive principle, it was not very likely to be stable. The speech of the right hon. Baronet (Sir J. Pakington) this evening seemed to him to differ a little from his speech on a recent occasion. The right hon. Gentleman appeared to throw on the Roman Catholics of Canada all the blame, or most of the odium, of the opposition which had been raised against the Act of 1840. Now, he (Mr. Vernon) maintained that it was not from the Roman Catholics that this opposition to the settlement of 1840 had proceeded. He maintained that it was from the Free Church of Scotland, owing to the unhappy disruption of that Church, that the opposition had proceeded; it was the Protestant Dissenters and Wesleyans who kindled and kept up this flame. It was said that at all risks they must keep to the original settlement. It was said that they must keep up a dominant Church; in short, maintain it at all hazards. Were they prepared then, he would ask, to increase their armaments? Were they prepared to send soldiers to Canada? The colonists had been turned by good government from rebels into loyal subjects, and would they now make them rebels again? He trusted not. Of this he was perfectly sure, that if they did not repeal this Act of 1840, they would more endanger the endowments of the Church of England in that colony than by any other step they could take. He thought there was evidence of some security to the existing property of the Church in the mutual rivalry of sects. God forbid that he should hold out anything like a threat to the Roman Catholics! but he said to them, on principles of common justice, and on principles sometimes more powerful, of self-interest, they should act fairly and justly in the matter. An analogy had been drawn between this case and the case of the Established Church of Ireland. That was tender ground to touch upon, and he would only touch upon it very lightly. But he must be allowed to say he saw no analogy whatever between a Church resting on long prescription and sanctioned by the Legislature of the country in which it was placed, and a Church founded in such an exceptional way as this Church in Canada was intended to be founded, and which never had been sanctioned by any legislative authority in the Colony. When that Established Church should be touched, or attempted to be touched—when onslaughts should be made upon it—he should be ready to raise his humble voice in its support, and to do his utmost to defend it from open and avowed animosity on the one hand, and from bigoted and intolerant zealotry on the other. He trusted, when the Canadians had this matter in their own hands, they would treat in a fair and equitable spirit these rights, which he believed really and truly existed; but sure he was that it was not by trenching on constitutional rights that they could hope to force a Church on a free people, or even to rescue from spoliation the miserable pittance dignified by the name of Church property. It was far more likely they would attain the object by exhibiting a generous spirit of unreserved confidence. Let it not be said that the Government of England had given to Canada a constitution which every Canadian felt to be a delusion, a mockery, and a sham. Let them not hold open the door with the right hand, while they clutched the captive with the left. Let it not be said that they wished to make the colonists slaves of the Imperial Parliament. Let them prove that they were actuated by no unworthy jealousy. Let them show that, while they took a deep interest in the present position and future destiny of Canada; they trusted, by affirming the liberties of the one, that they would be enabled to lay a solid and stable, and, if solid and stable, then a religious foundation for the other.

Mr. LIDDELL said, he had heard hon. Members take the present measure as a precedent, and as an argument antagonistic of the Established Church in the mother country. He had heard it stated that equality ought to form part and parcel of our legislation; but the word equity had been carefully omitted in the present discussion. The hon. Member for Newark (Mr. Vernon) had characterised the Act of 1840 as an Act exhibiting little of wisdom or justice. He confessed that he should have felt that his opinion savoured of presumption if he made use of similar terms in reference to his political leader, for the measure thus condemned by the hon. Member was passed by the noble Lord (Lord John Russell), then Colonial Secretary. The hon. Gentleman (Mr. Peel) the Under Secretary for the Colonies had ably elucidated the question; but he made use of an argument not quite in unison with what had fallen from the right hon. Baronet the Chief Commissioner of Works. The hon. Under Secretary for the Colonies did not see any reason for supposing that if the measure passed, the reserves would be diverted from the purpose for which they were originally intended. Now some of the words in the Bill might not bear such a construction; but when he found the word "alienation" a prominent word in a Bill, he wanted to know what alienation meant if not a diversion from the original purpose? The right hon. Gentleman (Sir W. Molesworth) said there was no possible doubt about the intentions of the Canadian Legislature on the future application of the reserves. And, in his opinion, no one who read the despatches and debates could have any doubt—whatever might be the pretext alleged—that ultimate confiscation was contemplated. He had heard it stated by an hon. Member, that the measure was not brought forward in an unfriendly feeling towards the Church of England. He hoped he never should see the Government of this country bringing forward a measure in an unfriendly spirit to that Church, for if this should ever take place, he was certain it would not be received by the Legislature, and would be scouted by the country. But was this measure a friendly act towards the Church of England? He could not think that a Bill which was to alienate a provision solemnly sanctioned for the maintenance of the Protestant Church in Canada, was a very friendly act, either to that Church or the Church in England. Such proceedings will only tend to create distrust in the assertions of such friends. There was another, a grave, admission made by the hon. Gentleman the Under Secretary for the Colonies, that these proposed new arrangements would shake confidence in the perpetuity of endowments. If confidence was shaken in one description of property, it would be shaken in all. He did not believe that the majority of the Canadian Legislature, or the majority of the Canadian people, was in favour of the measure. It was true that an Amendment to the effect that it was not expedient to alter the arrangement of the reserves was lost in the Canadian Legislature by fifty-two to seventeen; but then he had been assured by an unimpeachable authority that the largest part of that majority were Roman Catholics. He did not wish to say anything disrespectful of the Roman Catholics; but he must say in questions of this kind they were not fair or impartial judges. He asked the House, was no regard to be paid to the remonstrances of the Canadian clergy and the Canadian people, against dealing with the reserves for any other than their original purpose? The strong remonstrances of the Canadian bishops and 300,000 churchmen in Canada ought not to be disregarded. He did not mean to say that the Act of 1840 was a just one; but he would put it to the House whether the fact of depriving the clergy in Canada at a particular time of a part of their due, justified them in following up that Act by a total spoliation ten years afterwards? The right hon. Gentleman (Sir J. Pakington) had referred to the opinion of Lord Sydenham in 1840; he would quote the opinion of the Earl of Elgin. Writing to Earl Grey, in 1850, the noble Lord said—

> "If the present unprincipled agitation succeed in secularising the clergy reserves, thus depriving religion in Upper Canada of its existing support, the same agitation, ere long, may be renewed, and disturb those endowments of the Roman Catholic Church which hitherto have been so instrumental in conferring a moral and religious education upon the members of that communion; and hence may arise in Canada a spirit of antagonism between the Protestants and Roman Catholics which, happily, has not hitherto existed."

Seeing the coincidence of opinion in these statesmen, he could not help saying that a measure like the one before the House was neither wise, judicious, nor politic. He believed a great deal of party spirit was mingled with the question. He did not believe that the Canadian Legislature was in a condition to discuss the question fairly and impartially among themselves; for it could not be concealed that the most prominent of the parties in favour of this measure was Mr. Papineau. That name was of itself unlikely to inspire confidence in the minds of the impartial. When a measure was supported upon false principles it was justly to be suspected, and it was a most questionable principle to do evil that good may come of it. It was not true that the Canadian Legislature had any right to deal with this property as they pleased. It was not a question of taxation, but of property. Even as a question of policy, the measure was hardly less inexpedient than it was unjustifiable in point of principle; for if carried out, the interests of rival religious communities would be brought into open antagonism. It was unreasonable to suppose that 300,000 churchmen would, if deprived of their rightful endowments, submit to see a rival Church in quiet possession of endowments more valuable. The policy, therefore, as well as the morality of this measure, might be impugned. Only two-sixths of the original amount of the endowments were now vested in the Protestant Established Church; and when it was considered how rapidly population in Canada was increasing, it would appear a very inappropriate period to rob that Church of her revenues, and strip her of her resources. Certainly the measure would manifest most unfriendly feelings on the part of the Ministry towards that

Church they were sworn to defend. The right hon. Baronet (Sir W. Molesworth) had boasted that he was a Radical. Well, he (Mr. Liddell) was proud to avouch that he was a Conservative. With what feelings would the right hon. Baronet's Colleagues receive his avowal?—considering that the noble Earl at the head of the Government had declared that nothing but a Conservative Administration could rule this country. The noble Lord had also added, indeed, that its measures must be liberal; but if the present were a specimen of liberal measures—that is, a measure for taking away the property of others—it was a species of liberality which it was not desirable to encourage. And yet this was the first measure of any importance produced by a Government which professed a desire to preserve the integrity of our institutions in Church and State.

Mr. ADDERLEY said, he thought that the hon. Member who had just sat down, concluded by expressing a horror of radicalism, and a ruthless interference with the rights of property: if there was one object more than another contemplated by this Bill, it was that the rights of others should not be interfered with. The speech of the hon. Member was marked by that moderation, impartiality, and fairness which, if applied to the real question, would have led him to an opposite conclusion. It was assumed by him that the Act of 1791 endowed a Church, which was by no means the case. If the hon. Gentleman referred to the saying that what was morally wrong could not be politically right, he might be asked to consider the converse of that proposition also, that what was politically right could not be morally wrong. The Bill now before the House was not only politically right, but was called for by every principle of political justice. The remark had been made that if the Bill were carried, there was nothing to prevent the Maynooth grant from being swept away; but if Parliament came to be of opinion that the Maynooth grant should be repealed, it would be repealed, and Canada asked for the same Parliamentary right, and that with the appropriation of their own revenue. If hon. Gentlemen who opposed this Bill could only once see that the measure was one that was demanded by political justice towards Canada, every scruple with regard to it must soon be entirely removed from their minds. It was said that if this Bill were passed it might have the effect of provoking Canada to declare herself independent; but he had yet to learn that conceding to the people of Canada their just and indefeasible rights as British subjects, namely, the reference to their own representatives of the appropriation of their revenue, was likely to lead to the disruption or the alienation of that country. On the contrary, he believed that during the last ten years nothing had tended so much to a union of affection between Canada and the mother country, and the cessation of all thoughts of annexation with the neighbouring republic, as the recognition of their title as our fellow-subjects to the same rights as we claimed for ourselves. He (Mr. Adderley) had thought the other day that really a race was taking place between the ex-Colonial Minister and the present Colonial Minister as to who should have the credit of carrying that principle to its fullest and freest extent; but he was surprised to find the right hon. Baronet (Sir J. Pakington) come to a halt on a measure like the present. He was astonished to find any men rising up in 1853, and reproducing precisely the same arguments as were urged upon this question in the year 1840, effacing from their minds all recollection of what had since then transpired, and ignoring all the circumstances which had in the interval of thirteen years developed the rights of the colonies to self-government, and vindicated their claim to the freedom which was now being re-asserted for them. But whatever might be their obliviousness and want of appreciation of that march of events which had brought out so prominently, and established the right of the colonies to the enjoyment of representative government equally with ourselves, he was no less astonished to find that any statesman, even unconnected by his antecedents with the colonies, but knowing how British freedom worked wherever it existed, could propose to that House, as a possible measure, that the Imperial Parliament should maintain a local appropriation of local revenue for local purposes, whether civil or religious, in the teeth of the local legislature. Impossibility was sometimes allowed to be a valid argument against a proposition. The impossibility of any such attempt, however, appeared to be no obstacle in the way of the opponents of this Bill; but, for the sake of argument, he would grant, by a stretch of imagination, that, it might not be impossible. It had been admitted that the Legislature of Canada was fit generally to manage its own affairs—that it was able to dispose of the Crown lands, to appropriate its civil list, and to deal with all its other internal concerns; but it was contended that upon this one subject of the appropriation of its funds for religious purposes, Canada required to be held in leading-strings by England—that she was a child on the subject of her religious wants. It was true that the right hon. Gentleman the Member for Droitwich had dexterously covered the weak point of his argument by the assertion that in the matter of the lands the Colonies had no rights—that the lands belonged to the Crown; and in this respect all the arguments with respect to self-government fell to the ground. But the right hon. Gentleman himself was the man who had given to the Colonies the right over the Crown lands; and was he now to turn round and withdraw half the subjects of that concession, namely, the funds arising from the sale of reserved lands? for when he once surrendered to them the general power over the Crown lands, was it not the necessary and inevitable corollary of the proposition which he had himself laid down, that he should concede the control over these reserves also? But it was alleged that this Bill would be a breach of faith and a violation of principle. [Sir J. PAKINGTON: Hear, hear!] He (Mr. Adderley) could not understand how a Gentleman who had presided over the Colonies for ten months should not be able to see that the real breach of faith and the violation of principle in this case would consist in the denial or the rejection, and even in the delay, of this measure, rather than in the granting of it. It would be the breach of a special engagement and assurance entered into by Her Majesty through Her responsible Ministers towards Canada; for an assurance so given by a Minister of the Crown to Colonies was a pledge almost amounting to absolute legislation. It was a pledge as binding on succeeding Ministers as a pledge given to a foreign country: and in this case the Crown's pledge, coming upon the vote and petition of both houses of local legislature virtually amounted to complete legislation. But what was the principle of the Act of 1791—the Constitutional Act by which these reserves were first established? It provided for the allotment of lands for the support of the Protestant clergy, subject to the revision of the Legislature. What was the Legislature in the contemplation of that Act? It was the Local Legislature under the revision of the Imperial Legislature. But since that period this revision of the Imperial Legislature had been removed; and therefore, according to the Act of 1791, the clergy reserves were subject to the sole and exclusive revision of the Colonial Parliament. So that if they now asserted the revision of the Imperial Parliament, they would distinctly violate in principle the Constitutional Act of 1791. The Bill before the House proposed simply to rectify an anomaly in the legislative referee to which the perpetual variations of appropriation of a certain revenue were legally referable. But the opponents of the measure dealt with these reserves as if they were an inalienable grant to distinct and indefeasible claimants. Now the grant was nothing more than the laying down of a certain proportion, one-seventh, of the revenues arising from the lands; and the grantees were no definite body, but one that was perpetually varying and uncertain, and that had never been incorporated. Some new claimants occasionally came in, such as the Free Church of Scotland, and some of the old claimants gave symptoms of dying out, such, he believed, as the Wesleyans; and was this an endowment? By no means. Between the Act of 1791 and 1840, not only were the grantees entirely changed, but even the intention and disposal of the grant were avowedly and ostensibly changed; for the Act of 1791 made a provision for Protestant clergy, and by the Act of 1840 the Roman Catholic clergy received a portion of the grant. By the first, Protestant clergy are named as the object of the appropriation; by the last, the object is altered to "the promotion of Christian knowledge." It was said that this grant could not be alienated; but this Bill did not implicate the alienation, it simply raised the question whether the appropriation made by the Acts of 1791 and 1840 should be subject to the Queen and the Imperial Parliament, or solely to the Queen and the Colonial Legislature. He would admit that the question of alienation of these grants might possibly arise at some future time; but before such a possibility occurred, it was wise to make it certain to whom the appeal was to be made; and don't let the House think they could maintain any particular appropriation of this revenue by robbing the Canadian

Legislature of its rightful power over its general disposal from time to time, as circumstances required, according to the obvious original intention. They had no right to look forward to the consequences of this Act; but in his mind its probable consequences were very different from those anticipated by the opponents of the measure. He could conceive, as a churchman, nothing more beneficial to the Church in Canada than to get rid of an odious, obnoxious, and impracticable claim, and to rely upon some better and more valid support than the precarious support of the Parliament of England. No support could have proved more treacherous and uncertain and arbitrary than that of the Parliament of England. The various opinions of Judges, Crown Lawyers, and successive Secretaries of State, had given the most capricious and shifting decisions. Even the original intention was translated into a hundred versions. The discussion upon the Act of 1791 turned upon the large proportion of the fund which might possibly be allowed to Dissenters; and it was an entire mistake to suppose that that Act contemplated the Church of England alone. Lord Bathurst obtained an opinion from the law officers of the Crown of his day, that the Presbyterian Church of Scotland was to participate; and in 1840 again the Judges gave an opinion that all denominations were to come in for a share in the grants. And so far were those who carried the Act of 1840 from considering it final, that Mr. Poulett Thompson declared, with regard to that Act, that all he could say of it was, that it was only better than nothing. He attached no weight to the argument that this Bill would shake the faith of all endowed bodies in the honour and integrity of the country. This was not an endowment, but a simple appropriation of revenue for local purposes, varying from time to time according to circumstances, and it consequently ought to be under the control of the local legislature. It had been said by the right hon. Member for Droitwich (Sir J. Pakington) that if Canada were to be annexed to the United States, it would be prevented by Congress from dealing with these clergy reserves. The right hon. Gentleman's authority had egregiously misled him—he had mistakenly compared these reserves to grants where there were distinct deeds of endowment to distinct grantees, which belonged to a wholly different category of property. He could assure the right hon. Gentleman that the very first thing that the United States gave to its local legislatures was the power to deal with the local appropriation of all revenues analogous to these Canadian clergy reserves for the promotion of Christian knowledge; and it was the strongest of all arguments in favour of this Bill, that it would prevent Canada from envying the institutions of a neighbouring State, by annexation with which she would obtain the concession which the opponents of this Bill seek to deny her. If, as had been argued, there was an engagement on the part of the English Parliament to keep up the Church in the Colonies, let Parliament pay its engagements out of its own funds, and not out of the funds of Canada. The Consolidated Fund was the only fund out of which such engagements ought to be kept. In the first place, therefore, on the ground of impossibility, which he thought was a very good ground; in the second place, on the ground of distinct faith, honour, and consistency of principle on the part of the Imperial Parliament; thirdly, from the utter futility of the arguments used against this measure, which applied to a species of endowment wholly different from these reserves; and, lastly, upon the ground, which he urged, as a churchman, that the interest of the Church of England was involved—and vitally involved—in the passing of this measure as rapidly as possible, as well even, he would add, as the retention of Canada as a British Colony—for these grave and weighty reasons he should certainly support the second reading of this Bill.

Mr. A. MILLS said, that as knowing something of the feelings of the Canadian people, he was anxious to bear testimony to what public opinion in the Colony was on this subject. He entirely concurred in the principle laid down by the right hon. Gentleman the First Commissioner of the Board of Works (Sir W. Molesworth), who had told the House that the great principle of self-government as regarded our Colonies, ought to be preserved; but the question in the present instance seemed to him to be, not whether the principle of local self-government should be recognised, but whether it was the affair of the mother country to decide how this property should be dealt with. He was prepared to contend that it came under this category, and that it was one of those local matters about which the English Parliament had a right to interfere. Suppose the Canadian Legislature should pass—as it was conceivable they might do—a resolution for dismantling the fortifications of Quebec, which had cost this country 2,000,000*l.*, and for giving them up to the peace party to be converted into tea-gardens; or that they had come to the determination of sending the 6,000 troops now in Canada to hunt fugitive slaves in Pennsylvania or Ohio—the Imperial Parliament would, as a matter of course, interfere in those cases; there must, therefore, be a point beyond which the principle of self-government could not be carried. So long as the Colony was not an independent principality, so long some sort of control should be reserved to the British Parliament; and this was just one of the questions which ought to be so reserved. The property which they were then discussing was property won at the cost of British blood and treasure, and it was property for which they were now paying a sort of ground-rent in annual allowances to the Indian tribes. It was property which had been set apart for religious purposes, and which ought to be held sacred; and they ought not so far to forfeit the faith of the British Parliament, as to withdraw it from those purposes, or (which was the same thing) to give the disposal of it to the Canadian Legislature. He spoke from very good authority when he said that, as a body, the Earl of Elgin's government were pledged to their constituents for the secularisation of the clergy reserves, and therefore there was very little reason to believe that the religious principle would be respected; but, on the contrary, it was clear that the property would be used either for saving the money of the Canadians in making provision for education, or it would be appropriated for building of steamers, making of railways, or any State purpose. It was important to consider in what sense the Act of 1840 was regarded in Canada. He found in the Report of the Select Committee on Clergy Reserves, printed by order of the Legislative Assembly, 1846, the following passage:—

> "We find with regret, from the numerous petitions laid before the House, that the long-agitated question of the clergy reserves has again become a subject of discussion in this province. The excitement which so unhappily existed on this subject for many years, and which produced such disastrous consequences to the peace and prosperity of the province, was at length set at rest by the Imperial Statute, 3 & 4 *Vict.* cap. 78."

Again, in the speech of the Hon. Robert Baldwin, late Attorney General for Upper Canada, this passage occurred:—

> "Mark my words, if the question be reopened, former fierce agitations will be resumed. So much do I dread the renewal of agitation, that I have in every instance, and *in toto*, discountenanced such a course, and I therefore press on both sides of the House to forbear reviving the question."

And the Hon. Harvey Price and the Hon. Malcolm Cameron expressed themselves to the same effect. The question of these reserved lands had been reopened as a source of political capital in Canada. He was convinced that this agitation had not been got up from any sense of injustice on the part of the colonists, but because political adventurers adopted this mode of rousing excitement among the people. He believed it to be of infinite importance not to allow religion to rest in any new country upon the voluntary principle. He believed the voluntary principle in the United States had been a failure, for he had found in many parts of the Union, particularly where the population were most scattered, the grossest ignorance of the cardinal and elementary truths of Christianity. He should deeply regret to see a British Colony sentenced to the voluntary principle by a vote of the British Parliament. The right hon. Baronet (Sir W. Molesworth) had said that it was to the expulsion of the right hon. Member for Droitwich (Sir J. Pakington) from office that we owed the preservation of the North American colonies; but he warned the present Government that it was possible, if we lost those Colonies, that the loss might be owing to the feeling of the colonists that by this measure we had forfeited the pledges made to them by the Imperial Parliament.

The CHANCELLOR OF THE EXCHEQUER: Sir, I understood my hon. Friend who has just sat down to say that he was tempted to rise in this House on the present occasion, partly because he desired to bear his testimony to the sentiments of the people of Canada on this most important question; and after this statement he proceeded to inform the House that topics of this kind were regarded in that country as political capital; that they were traded upon by intriguers; that any wishes that were expressed to the House on this subject were to be regarded as the indication only of a momentary excitement; and that the substantial sense of the people of Canada was to be considered as something entirely distinct from those wishes so expressed. I cannot conceive a higher authority on a question of personal testimony than my hon. Friend; but I protest for myself, and I presume to warn the House, against passing by the constitutional organs of public opinion in Canada, in order to trust to the vague reports which travellers, in their passage through that country, collect. Amongst the many advantages of establishing free government in the Colonies, not the least in my opinion is this, that when your Colonies are not endowed with that blessing, it is almost impossible even for the best intentioned Minister to ascertain by the use of the utmost diligence, what are the real sentiments of the people of a Colony of whose affairs he is in charge. But when you place the suffrage in the hands of that population—when you entrust them with the privilege of choosing representatives—when those representatives meet in the exercise of the privilege of free discussion, in which we ourselves place our glory—then, at least, we think it a safe and a sound principle of action that the deliberate expression of those representatives is to be taken as conclusive evidence of the sense of the colonial population. And when you adopt a different principle; when you are content to gather shreds and rags of evidence which have been collected, perhaps with the best intentions, perhaps with great individual intelligence—when you place these in competition with the deliberate judgment expressed to you by the Legislatures which you yourselves have created, and invested with the authority and responsibility of legislation, then, I say, you strike a deadly blow at the principle of free government; and you had better never establish free institutions in your Colonies, than, after you have established those institutions, after you have placed in the hands of the people the power to vindicate their privileges, deny to them the fair exercise of those very privileges which you have given them. Well, what are the facts of this case as they stand before the House? An Address of the Assembly of Canada, conjoined with an Address of the Legislative Council, and echoing the terms of an Address of similar effect presented by the Legislative Assembly that immediately preceded the present one, prays you to repeal the Act of 1840, which imposes an absolute restraint upon the Canadian Legislature with respect to the disposal of the clergy reserves. They pray you to repeal that Act which excludes them from any share in the disposal of those reserves. To that prayer Her Majesty's Government urge the House to accede, and they are met by the late Secretary for the Colonies, my right hon. Friend the Member for Droitwich (Sir J. Pakington) with a Motion which he says goes to the rejection of the Bill now before the House. To what does the proposal of my right hon. Friend amount? It amounts to this: that, in regard to that vital question, you shall now bind down the people of Canada to a total exclusion from all share and all discretion with respect to the disposal of these lands. When in 1791—sixty-two years ago—at a time when those who are now a powerful and thriving community were but a few scattered settlers—even then, in the infancy of their political existence, your forefathers—wiser, I think, than those who now advise us—committed the initiative and the power of legislation, without any other control than the veto of the British Parliament, to the Canadian Colonies—is it to be expected, then, that at this period this House will consent to act upon such a doctrine, and to lay down the principle that the liberties granted to two or three villages in 1791, shall not be granted to cities that count their scores of thousands—to a population approaching 2,000,000, and that in the middle of the present century? Well, now, what are the objections made to the Bill before the House? They turn merely upon the apprehension that the power which we are about to give, will be, as they think, misused. And the ground, on the other hand, on which this Bill is recommended is this, that you have no right to base your judgment upon the opinions you may happen to entertain upon that point. The question is really not about the use that shall be made of the power, but about the hands in which, if right, it should be lodged. Is this a local question, or is it not? Upon that your vote should turn. If you can show that this fairly belongs to the category of subjects of Imperial interest, of subjects which are for Imperial consideration, and that it is therefore necessary for the House to retain the control over it in our hands, then I grant this Bill should be rejected. But now, I will not say what proof, but what shadow of evidence or argument, has been alleged to take this question out of the category of local questions? Was it no evidence of its being a local question that in 1791 Mr. Pitt left it to the Canadian Legislature to legislate with regard to it? Do the people of Canada believe it to be a local question? If they do not, how comes it that, time after time, Session after Session—I speak now of periods antecedent to the settlement, as it was hoped it would be, of 1840—one Assembly after another sent home Acts of the Legislature, aiming, so far as it was in their power, to obtain the disposal of the clergy reserves? Why, is there any man in this House who can fairly say there is an Imperial interest involved in the maintenance of the clergy reserve lands in Canada? You will say, perhaps, that the public faith has been pledged. Well; but is that an Imperial interest? I want to know, is there any Imperial interest involved, and, so far at least, to disembarrass the question. I do not speak of public faith; because we are now considering whether this question is a local subject of inquiry or not. Well, Sir, I say that it is a local question. It is a local question whether or not these reserved lands ought to be used in one way, or whether they ought to be used in another way. Surely it is the Canadian who alone ought to decide this question—it is not one who sits in this House, or the people inhabiting this country, who can claim the settlement of it. Sir, I want to know whence these lands derive their value? Was it from our skill, or from our labour, or from our capital? Have we then the right to treat these lands as if they were our own, or as if they were mere abstractions which we had sent out to Canada; and as if, without the agency of Canada herself, they were available for purposes of endowment? No, they were originally in a state of natural wildness; it is the Canadian who has cultivated them, and it is his industry and skill which has given them value. And is it seriously believed to be possible that this property so created by Canada, except as far as regards the crude material which the Almighty gave—is it to be believed that a community of political freemen, endowed with political privileges, will consent that any body of Gentlemen, even although those Gentlemen bear the proud title of the British Parliament, shall thus dispose of that which in truth and justice belongs to them? Now, Sir, the right hon. Gentleman (Sir J. Pakington) who commenced this debate, urged the argument that the present Bill does not satisfy the principle of self-government. And why not? Because it provides for the vested interests of the present incumbents. Now, Sir, the right hon. Gentleman is totally mistaken in that respect. The Bill, it is true, does provide for the vested interests of the present incumbents, but in so doing it precisely fulfils the conditions of the Canadian Legislature itself. If the right hon. Gentleman will take the trouble to turn to the Address of the Canadian Legislature of July 1850, he will there find the following words:—

> "The most liberal and equitable mode of settling this question would be for Parliament to pass an Act, enacting that the stipends hitherto given to the clergy of the Church of England and of the Church of Scotland, or of any other denomination, to whom the faith of the Crown is pledged, shall be secured for the natural lives or incumbencies of the parties receiving the same."

Now that was the Address presented by the Canadian Legislature, and the recommendation which it contained forms the framework of the present Bill. I perfectly agree that the public faith is pledged to the maintenance of the rights of those parties; and I, for one, and I believe I may add all my Colleagues, would have resisted any proposal to depart from the obligations imposed by that public faith. The principle upon which the Bill is framed corresponds with the principles stated in the Address from Canada, and therefore, Sir, the argument is disposed of, that this Bill does not satisfy the principle of self-government. I think that the right hon. Gentleman did not clearly indicate—I will not say that he concealed, for I have no right to say so—but the effect of his speech was to conceal from the House the true standing of this question at the present moment. I heard the right hon. Gentleman say, unless I am greatly mistaken, that the object of the Act which it is now proposed to repeal, was to secure a provision for the maintenance and support of the Protestant religion. Now, is the clergy reserve fund—for it is material that this should be understood—is it, or is it not, restrained or limited to the support and maintenance of the Protestant religion? For there are a great many Gentlemen in this House who, but a few days ago, came here in great numbers, prompted, no doubt, by conscientious feelings, to vote for the withdrawal of the grant to Maynooth, on the ground that it was incompatible with their conscientious belief to support any endowment for the support of the Roman Catholic religion. Unwilling as I am, Sir, to disturb any Gentleman in the enjoyment of that repose which nature requires, I am still desirous of attracting the attention of the hon. Member for North Warwickshire

(Mr. Spooner), who, I am certain, is prepared on this occasion to give a conscientious vote, and it is material that he should understand the nature and effect of the law of 1840, in regard to the Protestant religion. Sir, it is most important, if you are thinking of entering upon a struggle with the people of Canada, that you should consider well whether your case against them is valid and complete, whether you can show that you are contending for a principle, and whether that principle be one which you have steadily and consistently maintained. Sir, I want to know what that principle is. I think that the House will gather from the speech of the right hon. mover of the Amendment that that principle was the maintenance of the Protestant religion. Well, let us examine into that statement. It is perfectly true that the object of the Act passed in 1791 was, in strictness, the maintenance of the Protestant religion. There is a vexed and disputed question as to the meaning of the terms "Protestant clergy," to whose support the proceeds of those lands were by that Act to be devoted, and much discussion has been expended on the signification of those terms. Some have contended, and I admit with great colour of reason, that they were intended to be limited strictly to the clergy of the Church of England. Others have asserted that the words were capable of being expanded a little beyond that definition, but maintained that they could only include the other class of the established clergy known in this country under the name of the Church of Scotland. Others again believe—and I confess that I rather incline to this last opinion—that Mr. Pitt, Lord Grenville, and the Legislature intended that there should be included in the words, "the ministers of other Protestant denominations." But, at all events, this much is clear, that the object of the Act of 1791 was strictly a Protestant object and purpose, and no person, or body of persons, could derive any benefit under that Act except those who, in one form or another, professed the Protestant religion. But let me tell the hon. Member for North Warwickshire that in the year 1840 you chose to change the nature of the Act; you dropped the word "Protestant." I believe the word is not found in that Statute from one end to the other. At all events, what you did was this. With respect to the great bulk of the lands unsold, you proposed that they should be divided into six parts. Two of these were to belong to the Church of England, one to the Church of Scotland, and the other three were to be appropriated for purposes of "public worship and religious instruction in Canada." The Bill of 1840 proceeds on the principle of equality, and the right hon. Gentleman (Sir J. Pakington) knows that; for in one of his despatches he has alleged that the Bill of 1840 is founded on the same principles as the one which, at the time the despatch was written, had just come home to receive the Royal Assent, and which he knows divided the proceeds of the reserved lands amongst the different ministers simply according to the numerical fractions of the population. Be it remembered, then, that in principle the Bill of 1840, which you desire to refuse leave to repeal, is not a Bill for the maintenance of the Protestant religion. It is a Bill for the application of certain lands for purposes of public worship and religious instruction in Canada, but without any limitation as to one Church or another. And while these were the provisions of the Bill, while it was evidently within the spirit and scope of the Bill that the lands should not be withheld or kept back from the Roman Catholics, it will be found that the operation of the Bill gave full effect to those provisions. If the hon. Member for North Warwickshire (Mr. Spooner) will examine the returns, he will see that considerable sums have been given to the Roman Catholics out of these lands; and if you put aside the Church of England and the Church of Scotland, more has been given to the Roman Catholics than to all the other denominations put together. A strange system, indeed, this, for maintaining the Protestant religion! I will leave it to the hon. Member how far he can feel himself bound in conscience to maintain a Bill, which the Bill of 1840 is, for endowing the Roman Catholic Church in Canada. For me, it is right that I should point out that you cannot take your stand in the face of the people of Canada, and say, "Here is an endowment made by the piety of our forefathers, and we cannot touch it." Why, Sir, you have touched it. You have altered its character, and you ought to have bethought yourselves sooner if you meant to stop short and to withhold the final disposition of it from those who have in it the greatest, and, as I should say, the only interest. The right hon. Gentleman the Member for Droitwich, in a remarkable portion of his speech, referred to the United States, and he read a most interesting letter from a man whom he described as of the greatest intelligence, and from the tenor of the letter I think there is every reason for agreeing in that opinion. In that letter it was stated that the reserve lands, had they been instead of British Colonies, States of the American Union, would have been placed beyond the power of any Legislature to touch; that by an article of the federal Constitution they would have been placed under the protection of the Supreme Court, and that that would have overriden the jurisdiction of the State Legislature if any attempt should be made at confiscating them. Sir, I greatly respect the foresight of those American statesmen who made such strict provisions for the maintenance of the public faith, and I greatly respect the self-command and the self-control of the people of those States which has made the execution of those provisions practicable. It will be well for the British colonists, whether they continue colonies, or whenever the natural term of their independence shall have arrived, if they are equally strict and equally punctilious in their observance of the principles of public faith. But let us not strain the example too far. The case of an estate bestowed upon a particular body is not analogous to that of a public fund levied from wild and uncultivated lands; and does the right hon. Gentleman suppose that there are no analogous instances in the history of the United States to that at present before us? In the State of Massachussets there was at one time a law under which it was compulsory on every man to give something to a religious establishment, while a free choice was left as to what that establishment should be. But that law has been swept away, and the Supreme Court does not interfere. Again, before the Revolution the clergy of Virginia were endowed with a maintenance strictly analogous to that existing in this country, not with bushels of wheat or corn, but with so much tobacco, and a very handsome maintenance I believe it was; but that endowment has been swept away, showing that the constitution, however strict, and laudably strict it may be with regard to the maintenance of the public faith, does not resign all control and regulation of the public funds levied from the entire country, and appropriated to these purposes by an Act of the Legislature. But the right hon. Gentleman the Member for Droitwich, I must say, appears to me, of all others, to be one of the least favourably situated for recommending the rejection of this Bill. If there is any man who has made the maintenance of the present law impossible, that man is the right hon. Gentleman. It is most important that the House should bear in mind the ground taken by the right hon. Gentleman, when in April last he rejected the petition from Canada on this subject. He said that his words were words of peace and conciliation, and no doubt they were so intended; but words of peace and conciliation are not everything, and it is the habit of these colonists to look to deeds rather than to words. There was but one plausible or colourable ground upon which you could have resisted this demand. The right hon. Gentleman has quoted the example of the United States, and has spoken of the doctrine of contract; but is he entitled to quote that doctrine who tells you that it is in the power and that it is the duty of the State to step in and take away and redistribute these reserves from time to time? I ask him if the Supreme Court would not prevent that alienation of the reserves, and that withdrawal of them from one body to give them to another. I do not say that the argument would have been tenable; but it might have been plausibly said that this was not a national endowment at all, but a limited fund, which, having once been given, whether wisely or unwisely, was a thing past and gone, and that the question could not again be reopened. But the right hon. Gentleman did not adopt any such ground. On the contrary, he expressly disclaimed it, and said that the Government might think it desirable, for various reasons, that a redistribution should, from time to time, be made:—

> "Her Majesty's Government think it may possibly be desirable, on account of the changes which may be effected in the character of the population, through extensive immigration or other causes, that the distribution in question should from time to time be reconsidered."

And then the right hon. Gentleman went on to say—"Any proposals of such a nature Her Majesty's Government would be willing to entertain." Were these words of peace and conciliation? Canada said—"We ask the disposal of our reserve lands;" the Secretary of State replied—"No doubt they cannot be regarded as a fixed endowment; the question must be an open one; it must be reconsidered from time to time, according to the changes in circumstances; but you are totally unfit for the discharge of the function; you have opinions prevalent among you of which we disapprove. But I come to you with language of peace and conciliation, and I assure you that if you will submit your proposals to Her Majesty's Government they will be willing to entertain them." Why, Sir, a more flagrant violation of every principle upon which colonial freedom is founded I never heard of. Therefore it is perfectly plain that nobody can assert that the present law can be maintained on the ground that the question is finally disposed of; and if there be any reference to the question of public faith, as extending beyond the lives of the present incumbents, it is the right hon. Gentleman the Member for Droitwich to whom I shall entrust the defence of that portion of the measure of the Government, because if the public faith was pledged to anything it was not to an abstraction. As to the maintenance and further extension of religious education, that is not a question of public faith; it is a question of public policy. I must say that I think there was great force in what fell with great simplicity from my hon. Friend the Member for North Staffordshire (Mr. Adderley). He said, "I do not intend to support the maintenance of the present law on the ground of impossibility." I think, Sir, there is considerable force in that language. I think, Sir, impossibility is a very valid and material reason. It is, I conceive, a topic of some weight, and I would seriously commend it to the consideration of hon. Gentlemen before they commence a conflict without knowing where and in what it is to terminate. For, Sir, if there is one thing more necessary than another for the maintenance of the dignity of the British Parliament, it is that we should not play over again the game of the American war. Do not let us commence any conflict or controversy with the colonists unless we feel convinced that our arguments are sufficient, not only to be produced once or twice in a debate, but to stand the brunt of a sterner controversy, when it comes to mingle with more serious difficulties out of doors, and to agitate the minds of a whole community indignantly demanding their rights. Do not let us commence a controversy in which we shall go in like a lion and come out like a lamb. Consider whether you are prepared to repeat those arguments from year to year—consider the principle on which you will found arguments which you will have to present to the inflamed minds of the people of Canada, scrutinising what you say at the bar of reason and of feeling—consider how you will reconcile it, not with a feeble demand alone, but with your own acts. If, indeed, you are under a sacred obligation to maintain the appropriation of this fund for the purpose of religious education, I ask you for the title-deeds of that appropriation; and you will be obliged to own that the appropriation was made in 1791 for the encouragement of the Protestant religion, but that in 1840 you essentially altered that appropriation; and having taken that privilege into your own hands with respect to the Canadian question, you are now going to deny the Canadians themselves the power which you thought yourselves entitled to exercise on their behalf. I must say as a member of the Church of England, and I hope not indifferent to her welfare, that there is one portion of the speeches which have been made on the other side with which I heartily agree. I cordially agree with those who say, that whatever the voluntary principle may be (and certainly its performances, in my opinion, have not been generally encouraging), it is miserably ill adapted to the circumstances of Canada. I earnestly desire the passing of this Bill. I can conceive nothing more detrimental to the Church of England than that she should be found engaging in a struggle perfectly hopeless, and in my deep conviction as entirely devoid of justice as of any prospect of success. My right hon. Friend the First Commissioner of the Office of Works takes a desponding view of the state of public opinion in America with regard to religious endowments, and as it is I am afraid there is too much foundation for what he says; but I hope that we may reasonably indulge in some expectations that these endowments would not be removed from the purposes to which they are applied; yet I say, if you want to render that alienation certain, a catastrophe which I should deplore as much as you would do—if you want to render that confiscation certain, then reject this Bill. If you want to make the position of the Church of England, which is now honourable, both weak and odious, then combine the maintenance of her claims with the denial of the principle of colonial freedom. Sir, I defy any person to devise a more bitter and pernicious gift than you would confer upon your Church by offering her a support like that, and by mixing up with it a cause which is now, I trust, damaged and discredited for ever, the cause of resistance to the rights and privileges of your fellow-subjects in a distant land. The right hon. Gentleman (Sir J. Pakington) was pleased to-night to assail a right rev. Prelate for his language in another place, because he said he lamented the plausible fallacy he had urged in support of this Bill. I must confess, in the first place, that it is a questionable practice for hon. Gentlemen to amuse themselves in this House by introducing matters of debate from the other. My own humble opinion is, that we have quite enough to discuss amongst ourselves. There may be cases, certainly, that call for such a thing; but I was astonished to find that the right hon. Gentleman should have really thought himself entirely warranted in describing with so much coolness as a plausible fallacy what other hearers of that Prelate have described to me as not amongst the least brilliant orations ever delivered by one who is certainly one of the first public speakers of the day. But I do not want to dwell upon the merits of his public speaking—I only want to dwell on the merits of his speech; and I say I am glad that a bishop of the Church of England, in his strength of mind, and his keen sense of justice, has the courage to defend what he thinks is right, and to come forward and declare himself the supporter of a Bill like this, notwithstanding the obloquy which, especially amongst those of his profession, may attach to such conduct. I believe that right rev. Prelate judged well and wisely in the support he gave to this Bill. I believe, if it should chance that you were able to give effect to your opposition to this measure, the remnant of property that you ask to preserve would be too dearly—ten times too dearly purchased by the odium and hatred you would bring upon the religious body whose champions you profess—and I do not doubt desire—to be. But to enter upon such a struggle as that without the hope of success—without, I believe, an idea in the minds of any one who has considered the subject how this battle is to be fought, year after year, and Session after Session, or how you can hope to succeed in the end with such facts disclosed as to the justice of your case and the intelligibility of your principles as those which the history of this question presents, passes, I must confess, my comprehension. In thus adverting to the probable course and issue of this conflict, did he mean to say he thought it would be unfavourable because the people of Canada were violent, headstrong, and rebellious? I lamented nothing more in the speech of the right hon. Gentleman the Member for Droitwich than one part, in which I heard him say that he appealed to one part of the population of Canada. It is high time to have done appealing to one part of the people. We know of old the meaning of these words—we know from disastrous experience their effects—we know that the effect of them was to create knots and cliques of intriguers, who put upon themselves the profession of British supporters, who denied the name of loyalists to all who would not adopt their shibboleth, and caused a strong reaction in the minds of the colonial population; so that, if under that system of government you would look to govern the people of Canada, you must expect the spread, if not of disloyalty, yet of dissatisfaction and dissent; and that pervading the great mass of the community there will be a current of public opinion throughout the Colony, if not contrary to, yet distinct from, the current of British feeling. It is my opinion that for that tremendous evil the mistakes of this country, the mistakes of Government, the mistakes of Parliament, are in the main responsible. It has been the error of recent times to degenerate in this respect from—I will not say in this instance from the piety, but at any rate the wisdom and prudence of those who preceded us, and who have left to our colonial fellow-subjects the undivided and uncontrolled management of their local affairs. I heard with surprise the observations of my hon. Friend and Colleague the other night, and I cannot sympathise with him in his fears that those endowments will be touched; for my firm hope is that if you pass this Bill those endowments will be maintained. [*Laughter.*] Do you think there is wisdom in that laugh? Do you think the chance of their being maintained is increased by ridiculing the very idea that the Canadian Parliament may be disposed to maintain them? For my part, I must say that I happen to know, from the opinions of persons in Canada entitled to the greatest weight—of persons whose judgment and opportunities of forming judgment are excellent, and whose powers of mind give the greatest value to their conclusions, that they do believe that those endowments will be respected. I may be wrong; but I sincerely believe that your concession to the people of Canada in this vital matter, by giving them the power of dealing with their own affairs, accompanied with the respectful expression of British feeling in favour of the maintenance of those endowments, without pretence to authority, but simply as being the unrestrained expressions of your feelings, will, at all events, afford the best chance of securing them. My hon. Friend thinks it worth while to refer to the fact that the State of New York has maintained an endowment that existed before the Revolution, and I want to know how that result was brought about in the State of New York. Was it by an Imperial Act binding down the colonial legislature—tying their hands, and forbidding them to intermeddle—that the endowments in New York were maintained? Was it by generating such a state of feeling and of public opinion as to make the maintenance of the endowment impossible? No; but by leaving the people of New York uncontrolled freedom in the management of that endowment. It was not by taking it out of their hands, but, having given them free institutions, by reposing a generous confidence in the working of those institutions, and letting them go to their result. I speak of the general state of New York before the unhappy period of the war; but it was, for the reason I have stated, that there grew up amongst them such a manly tone of independence—such a strong feeling belonging to freemen—such a keen sense of public right—such a delicate sense of public honour, that those endowments were maintained. And if similar rights are not respected in Canada, as has been said, it will be in consequence of the errors of your policy, whereby you have mixed up with the maintenance of the endowments principles that are justly odious to the natives. It is not because they are Canadians that they shall have these privileges, but because it is not right, according to nature or justice, that you should take the management of their affairs into your hands. They are doing precisely what you would do if you were in their place. Were Canada England, and were England Canada, I do not believe there is one of you who will vote against this Bill who would not take the same attitude that has been taken by the Canadians. In such a case many of you, I believe, would be in the same attitude as the Canadians now assume. I think their intelligence, their wealth, their population, their power, and the judgment they have shown during a course of years in the regulation of their own affairs, entitle them to this privilege; and I think, that it having pleased the Almighty to interpose 3,000 miles of ocean between you and them—having drawn that broad line of distinction which showed His will—it is fitting that they, and not you, should take the management of their concerns, with which they are better acquainted than you possibly can be. I believe that to pass a Bill of this nature, entirely unshackling their Legislature, is the best course you can take to relieve the religious bodies from odium, to secure for them a place of honour and esteem amongst the public of that Colony, and to give them the best possible prospect of maintaining those endowments. I do not found mainly upon that consideration my recommendation of this Bill; but I chiefly found my argument for its adoption on the words of that venerable Prelate the Bishop of Quebec, who, writing to my noble Friend (Lord J. Russell) respecting the existing state of the Colony, says, "Be just and fear not." Some persons have re-echoed the right rev. Prelate's words, and have said, "You should not do evil that good should come of it." No, Sir, but on the contrary, we shall not refrain from doing a thing that is in itself just and right, because we may fear that evil may come of it. By doing so we really take our stand upon the principle that we should "be just and fear not." The Canadians are entitled in justice to the management of their own affairs, and no apprehension of the use they may make of those privileges will warrant you in depriving them—I will almost venture to say defrauding them—of the exercise of their rights, and I recommend this Bill to the House because it is wise, politic, and prudent; but, above all, I emphatically recommend it because it is righteous and just.

Mr. NAPIER said, that the right hon. Gentleman who had just sat down had brought them back to the Act of 1791, and he (Mr. Napier) was prepared, in opposing the Bill, to take his stand upon that Act. He begged to remind the right hon. Gentleman of the language he had used in reference to this question in the year 1840, and called upon the House to consider the provisions of the Act of 1791, by the principles of which he admitted they were bound. When he referred to the Act of 1791 he found it stated there that the object was to provide a due and sufficient support and maintenance for the Protestant clergy in proportion to the increase of the population. In the year 1791 the Crown was the proprietor, and set apart certain lands for the use of the Church—a diocese was established and a bishop was appointed; but they were now told that it was not a perpetual grant from the Crown. He (Mr. Napier) affirmed that the Crown was pledged to the grant by every principle of duty, for it was the duty of the Crown to see that its grants were enjoyed by its grantees. Could the Crown, therefore, he asked, withdraw this grant without a breach of faith? The right hon. Gentleman said the question was, whether this was a matter of local concern or of Imperial concern, and that it was to be regulated by the Constitutional Act of 1791. Now by that Act the Imperial control was preserved over this property, and that control was continued by the Act of Union in 1840; and the noble Lord opposite, when Secretary for the Colonies, in reply to a question put by Sir Robert Peel, said that the ecclesiastical and Crown rights were to continue under the Imperial control. The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) said that he would vote for the second reading of the Union Bill, because he was anxious to make a settlement of the question, and did not wish to leave the future settlement of the question of the Reserves to the Provincial Assembly. The present measure would violate the Acts of 1791 and 1840, because it would part with the Imperial control. The Crown was bound to defend its own grant, and it was the duty of Parliament to defend its own Acts; and he would ask if it was consistent with proper affection to our brethren to hand over this property to a party which desired to spoliate funds which had been consecrated to the object of maintaining the Protestant clergy and the Protestant religion? Another objection to the Bill was, that it was not only prospective but retrospective. If the Crown and the Parliament were no longer to have any control over this property, but allowed it to be vested in the Colonial Legislature, they would be assisting in the violation of an endowment made for religious purposes. This property belonged to "the United Church of England and Ireland, and the members thereof in the same province"—a body of loyal and highminded men; but by this measure encouragement would be given to the turbulent and the troublesome. The faith of Parliament and the honour of the Crown were pledged to the support of this endowment. How did the matter stand in point of duty and principle? He contended that it involved no principle of religious equality This property was the gift of the Crown to the Protestant clergy and the Protestant community. The grantee of the property in question was the Church, and the Church was essentially a corporation. He contended that the faith of Parliament and of the Crown was pledged to forbear from meddling with the clergy reserves in Canada. He was surprised on reading the remarks on this question which had fallen a few nights ago from a right rev. Prelate in another place, for whom he had great respect, because he bore a name dear to every Christian; but he was, at the same time, rejoiced to find that there was only one Bishop in the English Church who took the view of this matter entertained by that right rev. Prelate. The right rev. Prelate, in justification of the course he had thought it right to take on that occasion, said he was moved thereto by considerations of justice and none other. *Fiat justitia, ruat cœlum*, said that right rev. Prelate, and he (Mr. Napier) was ready to adopt the sentiment. But what he understood by that was to do justice in point of principle—not to consider consequences, but to leave them to an overruling Providence; to ascertain what was right according to truth and principle, and having done that, to go on fearlessly as it regarded the result. He (Mr. Napier) believed that justice was not spoliation, and that when a grant was made on the faith that Parliament was pledged to maintain it, that pledge should be religiously observed.

Sir ROBERT H. INGLIS said, he did not wish at that late hour (past twelve o'clock) to occupy the attention of the House for more than a few minutes; but as the right hon. Gentleman the First Commissioner of Works (Sir W. Molesworth) had alluded to him in the course of his speech in connexion with the interruption which he had felt it his duty to offer to the right hon. Gentleman, he asked the permission of the House to meet his observations with a few words. The right hon. Gentleman had claimed the distinction of being "an ignorant Radical." Now, no one who knew the right hon. Gentleman could believe him to be "ignorant;"

but that he was a "Radical" might be a matter of sincere congratulation to himself and to his constituents, whatever it might be to some others near him. The right hon. Gentleman, when he (Sir R. H. Inglis) took the liberty of interrupting him, said that he ought to have previously interrupted the right hon. Baronet the late Secretary of State for the Colonies, who had been guilty of an equal abuse of Parliamentary privilege by referring to a debate in the House of Lords. But he begged to say that there was a distinction between the case of the right hon. Gentleman the First Commissioner of Works and that of the right hon. Baronet the late Secretary of State, which was at least intelligible to him, and it was this—that whether the right hon. Baronet were right or wrong in making the allusion, it was an allusion which might have been made to a speech in Exeter Hall, because he merely said it had been delivered "elsewhere;" whereas the right hon. Gentleman the First Commissioner of Works distinctly spoke of the other House of Parliament. He begged only to add one word more before he sat down, and that was, that to his mind it was plain that the Act of 1791 referred not to Protestantism generally, but to the Church of England in particular, in proof of which he quoted the words of the 38th section of the Act, which spoke of the erection of parsonages or rectories according to the Established Church of England.

Question put.

The House *divided*:—Ayes 275; Noes 192: Majority 83.

List of the AYES.

A'Court, C. H. W.
Adair, H. E.
Adderley, C. B.
Alcock, T.
Anderson, Sir J.
Anson, hon. Gen.
Anson, Visct.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, hon. F.
Bass, M. T.
Beaumont, W. B.
Bell, J.
Bellew, Capt.
Berkeley, Adm.
Bethell, R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bonham-Carter, J.
Bowyer, G.
Brady, J.
Brand, hon. H. B. W.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Chambers, M.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Christy, S.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Cogan, W. H. F.
Collier, R. P.
Colvile, C. R.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crowder, R. B.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Denison, J. E.
Dering, Sir E.
Devereux, J. T.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, G.
Dundas, F.
Dunlop, A. M.
Dunne, M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Esmonde, J.
Evans, W.
Evelyn, W. J.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Forster, M.
Forster, C.
Fortescue, C.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Gaskell, J. M.
Geach, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heathcote, G. H.
Henchy, D. O.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Johnstone, Sir J.
Keating, R.
Kennedy, T.
Kerrison, E. C.
Kershaw, J.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langton, H. G.
Lawley, hon. F. C.
Lewis, rt. hon. Sir T. F.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Lowe, R.
Lucas, F.
Luce, T.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.
M'Gregor, J.
M'Mahon, P.
Maguire, J. F.
Mangles, R. D.
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Meagher, T.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
O'Brien, P.
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Otway, A. J.

Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Price, Sir R.
Price, W. P.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Seymer, H. K.
Seymour, Lord
Seymour, H. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smyth, J. G.
Smollett, A.
Stafford, Marq. of
Stansfield, W. R. C.
Stapleton, J.
Stirling, W.
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.
Swift, R.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Tomline, G.
Towneley, C.
Traill, G.
Tufnell, rt. hon. H.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wells, W.
Whalley, G. H.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. G.

List of the NOES.

Acland, Sir T. D.
Annesley, Earl of
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baillie, H. J.
Ball, E.
Bankes, rt. hon. G.
Barrow, W. H.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. P.
Beresford, rt. hon. W.
Blair, Col.
Blandford, Marq. of
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bremridge, R.
Brisco, M.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burroughes, H. N.
Butt, G. M.
Butt, I.
Cairns, H. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cayley, E. S.
Chelsea, Visct.
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Clive, R.
Cobbold, J. C.
Coddrington, Sir W.
Compton, H. C.
Cubitt, Ald.
Davies, D. A. S.
Davison, R.
Deedes, W.
Disraeli, rt. hon. B.
Drax, J. S. W.
Du Cane, C.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
Duncombe, hon. W. E.
Du Pre, C. G.
Egerton, Sir P.
Elmley, Visct.
Fellowes, E.
Filmer, Sir E.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Fraser, Sir W. A.
Freshfield, J. W.
Galway, Visct.
Graham, Lord M. W.
Granby, Marq. of
Greenall, G.
Grogan, E.
Guernsey, Lord
Hale, R. B.
Hall, Col.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Horsfall, T. B.
Hume, W. F.
Inglis, Sir R. H.
Irton, S.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Kendall, N.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Lascelles, hon. E.
Laslett, W.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lewisham, Visct.
Liddell, H. G.
Lockhart, W.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
MacGregor, J.
Malins, R.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Mare, C. J.
Masterman, J.
Miles, W.
Miller, T. J.
Mills, A.
Michell, W.
Montgomery, Sir G.
Morgan, O.
Morgan, C. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakenham, Capt.
Pakington, rt. hon. Sir J.
Palmer, R.
Parker, R. T.
Peel, Col.
Percy, hon. J. W
Powlett, Lord W.
Prime, R.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Sibthorp, Col.
Smijth, Sir W.
Smith, Sir F.
Smith, W. M.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stuart, H.
Sturt, H. G.
Thesiger, Sir F.
Thompson, Ald.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Worcester, Marq. of
Wyndham, Gen.
Wynn, H. W. W.
Wynn, Sir W. W.
Wynne, W. W. E.

TELLERS.

Mackenzie, W. F.
Mandeville, Visct.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for Friday next.

OFFICE OF EXAMINER (COURT OF CHANCERY) BILL.

Order for Third Reading, read.

Bill read 3°.

On Question, "That this Bill do now pass,"

MR. MALINS said, he understood that, when, on a former occasion, he stated that the right hon. Gentleman (Mr. C. Villiers) had held the office of Examiner some weeks after accepting that of Judge Advocate, the right hon. Gentleman contradicted him. Now, the fact was, that a new writ was moved for on the 29th of December, in consequence of the right hon. Gentleman's acceptance of the office of Judge Advocate; and the right hon. Gentleman retained the officer of Examiner until the 18th of February, on which day he petitioned the Lord Chancellor, setting forth that he desired, in consequence of the increased responsibility and altered duties of the office, to retire from the same, and not making the slightest allusion to the fact of his having accepted another office. He prayed also 750*l.*, being three-fourths of his salary, be granted him as retirement. He (Mr. Malins) was therefore quite accurate in his former statement. The right hon. Gentleman retained both offices until the question of retiring pension was settled, and then instead of vacating the office of Examiner in consequence of its increased responsibilities and altered duties, the truth was, that he had accepted a new office the duties of which were entirely incompatible with the other.

MR. C. P. VILLIERS said, the hon. and learned Gentleman had not stated the matter correctly. What he (Mr. Villiers) had indignantly repudiated was the motive which the hon. and learned Gentleman had imputed to him. He had insinuated that he (Mr. Villiers) had retained the office of Examiner, receiving the increased salary until he had ascertained the stability of the new Government; and having satisfied himself of that, he (Mr. Villiers) then surrendered it. It was that imputation, the House would remember, that he denied, and which would be found in the public journals to have passed. With respect to the dates mentioned by the hon and learned Gentleman, he was not prepared to deny them, as he had not exercised the same diligence as the hon. and learned Gentleman in going about to the different offices to learn when he (Mr. Villiers) had been appointed to one office, and on what day the enrolment of surrender of the other had taken place. If the hon. and learned Gentleman was curious to know why he had not resigned the office on the 1st day of November, as he was entitled to do, and as he had returned from the Continent to do, in consequence, as he had told the House the other night, of being in very bad health, it was, that while he was abroad, the Judges had issued orders for the purpose of giving effect to the Bills passed last summer; and amongst these was one giving to parties in causes commenced before the 1st of November the option of having their witnesses examined under the old or the new system—and he was not aware of one case in which that discretion had not been used in favour of the old system: the consequence was, there was no reason—no pretext, if hon. Gentlemen liked that word better—for retiring from the office till those depositions were concluded. To the best of his recollection, there had not been two applications before the Court closed at the end of the year. He had, however, expressed his intention of retiring from the office before the late Government resigned, and his continuance had nothing to do with the stability of the new Government. The hon. and learned Gentleman said that the offices of Judge Advocate and Examiner in the Court of Chancery were wholly incompatible offices to hold together. The hon. and learned Gentleman, one should have thought, might almost have known this not to be the case when he stated it; for, if he had had a doubt, he might have learned from his hon. Friend the Member for Dorsetshire that this was possible, as he continued to hold the office he has for life, together with that of Judge Advocate; and he knew, also, that other Judge Advocates had continued their practice at the bar without giving up that office. He had, however, not followed either of those precedents, but had only continued to hold the two offices till nearly every examination under the old system had been disposed of, and without any injury to the public service.

MR. MALINS said, he must disclaim having made the slightest imputation on the manner in which the right hon. and learned Gentleman had performed his duties.

Bill *passed.* House adjourned at one o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 7, 1853.

Minutes.] *Took the Oaths.*—Several Lords.
Public Bills.—1ª Commons Inclosure (No. 2); Office of Examiner (Court of Chancery); General Board of Health.

FOREIGN REFUGEES.

The Earl of MALMESBURY said, he wished to ask a question of the noble Earl at the head of Her Majesty's Government (the Earl of Aberdeen). There had appeared in the *Times* newspaper, and also in the French papers, a statement to the effect that M. Mazzini, having escaped from Lombardy, had repaired to Genoa, and was there taken on board Her Majesty's frigate *Retribution*, and conveyed to Malta. He did not wish to be misunderstood as to his reason for asking the question he was about to put to the noble Earl. His noble Friend behind him (the Earl of Derby), when at the head of the Government, and himself, took the opportunity, when in their places in Parliament, and when in office, to declare that they should continue to maintain, as a most sacred duty of this country, the right of asylum afforded by this country to foreign political refugees. He had not in the least altered his opinions upon that subject from that moment to the present. He felt certain that no English Minister, whatever might be his opinions, would either have the will, or, having the will, would have the power, to alter the laws of England in that respect. But, assuming or supposing this report to be true, and considering that the deck of an English man-of-war was the same as British soil, he thought that if this political agitator had been received on board Her Majesty's ship *Retribution*, when in no personal danger, then, to say the least, it was a most ill-judged act of humanity on the part of the captain of that ship. He felt certain that in Sardinia, where, he was happy to say, a constitutional Government existed, neither Mazzini nor any other political refugee would be in any danger of his life. He might, and probably would, receive an order to quit the country, because Sardinia could hardly retain many refugees that were odious to neighbouring States with safety to herself. But, supposing Mazzini had gone there, to flee from the vengeance of Austria, he might have used the common conveyance open to the public at those ports; there was, therefore, no possible obligation for his making use of one of Her Majesty's ships. Their Lordships would see the inconvenience that would arise if Her Majesty's ships were made mere passenger ships, to convey discomfited agitators and conspirators against Her Majesty's allies to some other port of destination. It was in thus viewing the circumstances of the case, and not from having altered his opinion at all as to his desire of giving an asylum to foreign refugees and politicians—but it was under the peculiar circumstances of the case, and supposing Mazzini to have been received on board one of Her Majesty's ships—that he now asked the noble Earl whether the report was correct or not?

The Earl of ABERDEEN: Having very recently expressed my sentiments with respect to the asylum afforded to political refugees in this country, I do not think it necessary to enter upon that part of the subject. With respect to the question put to me by the noble Earl, I am unable to give any answer, as Her Majesty's Government have received no information whatever on the subject.

NATIONAL EDUCATION (IRELAND).

The Earl of CLANCARTY: My Lords, the subject of National Education was so prominently noticed by the noble Earl opposite (the Earl of Aberdeen) on his acceptance of his present high office, as well as in the opening address of the noble Earl, his predecessor, delivered in this House, upon a like occasion, this time last year—both these noble Earls treating it as a subject of paramount importance—that I trust your Lordships will indulge me with your attention while, in fulfilment of the notice I gave before Christmas, I endeavour to submit to you some facts and considerations with respect to the system of National Education that has been in operation in Ireland, as an experiment, for the last twenty-one years—an experiment from which much was expected, and for which much has been done. I regret that in calling your Lordships' attention to this subject, I am obliged to do so in the absence of a most reverend Prelate who has been from the commencement a Member of the Educational Board, and the most zealous upholder of the system (the Archbishop of Dublin). I felt it due to that most reverend Prelate, before fixing any day for the purpose, to inquire on what day he could attend; his arrangements, however, did not admit of his attending before Easter, a period too late for that consideration to be given to the subject by Her Majesty's Government, which I think is urgently required. I am, therefore, compelled to proceed in his absence, which I the more regret, as it will be my duty to make some remarks upon the Commissioners' last report, which call for explanation on the part of the Commissioners. The returns for which I am to move, and which, I understand, will not be opposed, are requisite to enable your Lordships fully to apprehend from official sources, what the real operation of the system has been with reference to its alleged great success in accomplishing the objects of its original institution, namely, making religion the basis of education—uniting Protestant and Roman Catholic children in the same schools —obtaining for those schools the joint patronage and management of the priests of the Church of Rome and of the parochial ministers of the Reformed Faith; and for the advancement of the whole system, the pecuniary aid and local co-operation of the upper classes. The returns relative to the presentation of the annual reports to Parliament I call for, as I consider that the object for which they were furnished, namely, to enable Parliament to exercise a wholesome check over a most important branch of public administration, is effectually defeated by the late and irregular periods at which these reports are distributed; for instance, the report for 1851, the latest in your Lordships' hands was not distributed until the 15th of February, 1853, a period obviously too late to afford to Parliament the necessary information for their guidance in making a money grant in 1852. Be the system of public instruction good, or be it bad, if Parliament is to be made responsible for it by receiving reports, those reports should be presented each year before any new grant of money is voted, and before the interest of the periods to which they relate has passed away.

With respect to the working of the system in question, there is much difference of opinion. Within the walls of Parliament, it is rather the fashion to speak of it as most successful. It has had the cordial support of every successive Government, consequently the prejudices of the leading statesmen of every party are in its favour. Lords Lieutenants are taught to regard the Model Schools in Dublin not only as the models upon which all the other schools are framed, but as samples of the successful working of the whole system; and even Royal approbation was expressed when those well-managed institutions were shown to the Queen, as exemplifying the perfect adaptation of the system to harmonize the feelings of children of different creeds, as well as to cultivate their intelligence. Hence a very favourable opinion is formed of it by many, which derives strength from the undisputed excellence of the books of elementary instruction that the Commissioners have edited for the use of their schools, and also from the fact, attested by every tourist, that the country is overspread with numerous well-built and commodious schoolhouses. Those, however, who have visited those rural schools and looked more closely into the general working of the system, are not so favourably impressed, and begin to think that if it had been the sound and effective system it has been represented, its effect should be seen in the moral improvement and intellectual elevation of a large proportion of the now adult population, after above twenty-one years of uninterrupted action, aided by the utmost exertion of Government influence, and by Parliamentary grants of unexampled liberality. Others again, and I confess that I am myself among the number, see in the very principle of the system, namely, the restriction of the reading of God's Word, reason sufficient to account for its having totally failed of producing any such result. The Commissioners, however, boldly assert that it has been eminently successful. They write in their last report, that for 1851, the following flourishing eulogy upon their labours:—

> "Twenty years have elapsed since the introduction of the system of National Education into Ireland. After a careful review of its progress, and of the difficulties which it has had to encounter, we are convinced that it has taken a deep root in the affections of the people, and that no other plan for the instruction of the poor could have been devised, in the peculiar circumstances of this country, which would have conferred such inestimable blessings on the great majority of the population. Every passing year strengthens our conviction that the intellectual and moral elevation of the humbler classes in Ireland will be effectually promoted by a firm adherence to the fundamental principles of the system, and by liberal grants of Parliament towards its support."—[*Report for* 1851, p. xlvii.]

Whether this expresses the unanimous opinion of the Commissioners or only that of the majority, or whether, if the opinion only of a majority, it is that of the majority of the whole Board, or only of those present when the report was under consideration, your Lordships have no means of judging, as it is signed only by the secretaries, contrary to former practice, and to the usual rule of Royal Commissioners in reporting to the Crown. This report is not authenticated by the name of a single Commissioner. Regarding it, however, as their deliberate report, they do not put forward their boast of great success without a very striking array of figures in support of it. The report opens with a statement that at the close of 1851 the number of schools in operation was 4,704, and of pupils attending them 520,401—an increase of attendance, they observe, for 1851, as compared with 1850, of 9,162. They further add, that they had promised aid to other schools, which would raise the number to 4,811, and attendance of children to 529,637, or in round numbers to 530,000. These are large figures, and *primâ facie* impress the reader with the notion that the progress of education in Ireland must be very great, and the system most popular. Upon examination, however, I think the House will see reason to question the accuracy of these figures. Your Lordships will please to remember that the late census gives about 6,500,000 as the population of Ireland, and that the rate of emigration for the two years that have since elapsed has been such that the number of the population is calculated to have fallen below 6,300,000. Now, the Commissioners, in their second report, estimated the number of children, from 7 to 13 years of age, at one-seventh of the population, and that about half that number would require the aid of the National Schools. Taking then the population at 6,300,000, we have the seventh part, 900,000, and half that number, or 450,000, the estimated number for whom the aid of the National Schools would be required; but the Commissioners report that the attendance at their schools is about 530,000; consequently, they have exceeded their original estimate by 80,000. This excess is the more remarkable, as, since the establishment of the National system, other educational institutions have sprung up, providing free instruction for those children of the poor that must otherwise have had to resort to National Schools. There are above 100,000 children attending the schools of the Church Education Society; and between the Irish Society, the Irish Church Missions, the Presbyterian Mission Schools, some Roman Catholic Schools not in connexion with the Board, and other minor institutions, the number of poor children attending free schools, not called "National," cannot be less in all than 150,000: adding, then, this number to the number reported by the Commisioners as attending the National Schools, viz., 530,000, there would be a total of poor children under education at free schools, amounting to 680,000, leaving but 220,000, the residue of the one-seventh of the population, to include all the children of the upper and middle classes, all the children who are inmates of the workhouses of thirty-five Poor Law Unions, whose schools are unconnected with the Board of Education, and for that very large number of poor children, who, to my certain knowledge, attend no school whatever. This affords some ground for at least doubting the accuracy of those returns of children in attendance at the several National Schools, for which the Board takes so much credit. Another reason for doubting is, that the Commissioners themselves do not vouch for their correctness, but cast the responsibility upon the patrons or managers of the schools with whose signatures the returns are furnished. I would be far, my Lords, from imputing to the patrons of these schools—some of them noble Lords, Members of this House—the authentication of such returns, knowing, or even suspecting them to be exaggerated; but it is no unreasonable supposition to say, that they might themselves have been deceived, when these returns, of the correctness of which they cannot personally take cognisance, have to be transmitted to them from Ireland for signature. Patrons, in general, can have no interest or object in making exaggerated returns; but others upon whom they rely might possibly have such an interest, if the salaries or other allowances from the Board—which vary materially between different schools—are regulated with any reference to the numbers under instruction. I, therefore, am of opinion that, although the school patrons may authenticate the school-rolls in full confidence of their correctness, they might still be very inaccurate. I am further led to question the accuracy of their figures, as the Commissioners appear to deprecate inquiry—as if conscious that the returns on which they have relied are not very trustworthy evidences of the numbers actually educating at their schools; for we find in the seventh paragraph of their report a promise that in their future reports they will give the average daily attendance. Now, my Lords, as the average attendance is, in fact, registered in every National School by the teachers, over whom the Commissioners can exercise the most direct control by means of their district inspectors, it may fairly be asked, why have the public never been presented with returns that would have been so much more trustworthy and satisfactory, as showing the numbers actually under instruction? Why have they not been given in the present report? The Commissioners are the less excusable for having withheld those returns, as it is manifest they had been furnished to themselves, for they observe that the average daily attendance at their schools is rather more than one-half of the total number on the books — a low average, respecting which, however, they observe that "the annual reports of other Educational Institutions in this country exhibit about the same proportion between the average attendance and the number on the rolls. It is, hence, manifest that the Commissioners attach considerable importance to these averages, now for the first time noticed. The Educational Institutions they allude to are the schools of the Church Education Society, which alone publish in their reports the average daily attendance of the pupils. I hold in my hand the last report of that society, and find that the Commissioners, have correctly noticed the proportion between the attendance of pupils and the numbers on the school rolls; but if the Church Education Society's reports are thus studied by the Commissioners, and their schools taken as a standard of efficiency in the education of the poorer classes of the Irish people, why, it may be asked, are they debarred from public aid? The reason, I regret to say, is anything but creditable to the Christian character; it is most inconsistent with the professed Protestantism of the Queen's Government. It is because the poor children, who are educated in these schools, of whatever denomination of Christians they may be, are daily instructed in the Holy Scriptures. This is the duty of the clergy of our reformed national Church to see to—to disseminate the knowledge of God's Word is the special object of their mission; the Christian pastor cannot lend himself to promote education without it. He is, therefore, excluded from receiving aid from the Protestant Government of this country. What right have you, my Lords, to call a system of education national which thus practically excludes the national Church, and ignores the principles of the national religion? You call upon the Irish clergy to restrict the reading of the Bible in their schools in deference to the principle of the Church of Rome, and you exclude, as far as by your system of education you can do so, the poor people of Ireland from being ever brought to a knowledge of the Gospel. My Lords, it appears by the Votes of the other House of Parliament, that an endeavour is to be made to extend the principle of this system of education to this country. Most emphatically do I say, God forbid that such a principle should ever become national in England! God forbid that it should ever become national in Scotland! —that country of the noble Earl opposite, which owes so much to the Scriptural education of its inhabitants — and God grant that it may quickly cease to be called national in Ireland! To return, however, to the practical working of the system, in respect to the attendance at the schools: The Commissioners, in comparing the average attendance at their schools with that at the schools of the Church Education Society, appear to overlook the disadvantages under which that society's schools labour, and which necessarily affect the regularity of attendance. In the first place, their schools being more scattered, are often too distant for young children to resort to with regularity; secondly, they are opposed by the Roman Catholic priests with all the power they can bring to bear against them—by means of which a temporary withdrawal of the children of Roman Catholic parents occasionally takes place; and, lastly, I regret to add, that through insufficiency of funds, and the absence of all public aid, there is sometimes a want of school requisites that is necessarily detrimental to the interests of the school. To such disadvantages the National Schools are not exposed. They are amply furnished at the public expense with books and school requisites of every kind. Their school-houses are numerous and convenient of access, and in place of being opposed by the Roman Catholic clergy, they have, or they ought to have, their most zealous support, besides that of the Presbyterian clergy, who, at first the opponents of the National System, eventually place their schools in connexion with the Board. Consequently in the National School should always be full and regular attendance.

But humble as is the standard of efficiency by which the Commissioners are content to justify the low average attendance of their school children, your Lordships will be perhaps surprised to find that so far as official documents in the appendix to this report afford an insight into the actual working of the system, they have greatly overstated the average attendance at their schools, when they say it exceeds half the number on the rolls. The appendix contains the reports of head inspectors Mr. M'Creedy and Dr. Patten, on 93 National Schools in the north of Ireland. Mr. M'Creedy reports the result, and with great minuteness, the particulars of his inspection of 49 schools in the county of Donegal, by which it appears that the aggregate number of children upon the school rolls, at the time of inspection, was 3,087, with an actual attendance of but 1,346, or very little more than three-sevenths of what the public are led to believe are receiving instruction. The report of Dr. Patten shows an aggregate upon the school rolls of 44 schools of 2,750, with an actual attendance of but 1,317, a larger proportion than in the 49 schools, but still below instead of above half the number on the books. The numbers present at these inspections may, I think, be taken as a very liberal representation of the ordinary attendance at these schools, for it is not on the occasion of an inspector's visit that the pupils in general would be allowed to absent themselves. Considering then, my Lords, in the first place, the magnitude of the number of National School children, for which the Commissioners take credit, in proportion to the population—secondly, the great probability of incorrect returns having been furnished to them by the school patrons; and, lastly, at the great disparity between those returns, and the actual attendance at the schools as reported by the head inspectors, I think your Lordships will see some reason for doubting the accuracy of those figures which are paraded at the opening of the report as indicating the successful working of the system.

But, if the actual number of children under instruction falls far short of what the public is led to suppose, there is another circumstance regarding it of much more importance, and that is what these inspectors tell us regarding the ages of the children. By Inspector M'Creedy's report, it appears that of the 1,346 children present at his inspections of the 49 schools in Donegal, 615, or not much under one-half, were but seven years of age and under, and that there were only 319 boys and girls of 11 years of age and upwards, or little more than one-tenth of the whole number supposed to be under education, of an age to be likely to derive any permanent benefit from it. By Dr. Patten's report, it appears that of the children present at his inspections of 44 schools, chiefly in the county of Down, there were under seven years of age 388, and of eleven years of age and upwards, 378, or less than one-seventh of the whole number upon the roll. The following table will show the particulars, abstracted from these inspectors' reports, as to the attendance and ages of the children on the school rolls:—

EXTRACT FROM HEAD-INSPECTOR M'CREEDY'S REPORT, 1851:

No. of schools in Donegal..........	49
No. on Rolls	3,087
Present at Inspection	1,346
Seven Years and under..................	615
Eleven years and upwards	319

EXTRACT FROM HEAD-INSPECTOR PATTEN'S REPORT, 1851:

No. of schools chiefly in Co. Down...	44
No. on Rolls	2,750
Present at Inspection	1,317
Seven Years and under	388
Eleven Years and upwards	378

The Commissioners are sensible that the withdrawal of children so early from school is a serious evil, but one for which they see no remedy; they endeavour to account for it by the poverty of the parents, and the facility of procuring profitable employment for the children; but in this, I think, they are mistaken; for if they were right, it would be from the schools in the county of Down, where there is employment for children, that they would be chiefly withdrawn to avail themselves of it; whereas, it appears that in the county of Down they remain longest at school, and are earliest withdrawn in the county of Donegal, where there is no profitable employment to be obtained. May not the difference, my Lords, arise from the fact, that in the county of Down the population is more Protestant, and, consequently, less subject to influences adverse to education; whereas in the county of Donegal the parents of the school children are in a much larger proportion Roman Catholic, and, consequently, under the direct influence of a Church which, as not long ago described in a celebrated letter of a noble Member of her Majesty's Government, who lately held the seals of the Foreign Office, is not favourable to intellectual development? This solution of the cause of the too early withdrawal of children from the National Schools is strengthened by my observation of what takes place with regard to my own schools; if the Roman Catholic parent cannot be induced to withhold his children altogether from those schools, he is too often prevailed upon to withdraw them before they are of an age to turn the rudiments of literature to account, or to reason upon what they have been taught out of the Holy Scriptures. But, my Lords, be the cause of it what it may, the fact so clearly established by the most unquestionable official testimony, of such early withdrawal of children from the advantages of education, suggests a reflection by no means favourable to the National School system. Taking the schools in Donegal as presenting a fair average sample of the schools in general in the Roman Catholic parts of Ireland, it appears that little more than one-tenth of the children of the poor, reported as under education, are attending those schools with any prospect of deriving benefit from them, while the great majority quit them, before the foundation can have been laid of any permanent moral improvement, and with the bare knowledge of reading and writing, which are soon forgotten in the dark cabin, where they are never called into exercise. Benefit cannot be looked for from education so prematurely ended; I therefore cannot but regard the large figures so prominently put forward at the opening of the report as a most fallacious criterion of the working of the education plan.

Let us now, my Lords, see how far the specific objects of the plan, as originally set forth by the Government in 1831, have been realised. Those objects were, as it appears by the State document then issued with the signature of the noble Earl then Chief Secretary for Ireland, the religious education of the lower orders without interference with religious tenets, the union of Protestant and Roman Catholic children in the same school-rooms, the union of Protestant and Roman Catholic clergymen as joint patrons and managers of the parochial schools, and the co-operation of the educated classes in promoting the success of the experiment. The document referred to states that—

> "For the success of the undertaking much must depend upon the character of the individuals who compose the Board, and upon the security thereby afforded to the country, that while the interests of religion are not overlooked, the most scrupulous care should be taken not to interfere with the peculiar tenets of any description of Christian pupils. To attain the first object it appears essential that a portion of the Board should be composed of men of high personal character, and exalted siation in the Church—for the latter, that it should consist in part of persons professing different religious opinions."

Such a Board was accordingly appointed, and it is due to them to say that the persons appointed to it were, in general, men not only of high station, but of eminent abilities, and they appear to have acted together, from the time of their appointment to the present day, with a degree of harmony that might fairly be pointed out as an example for the rest of the nation. They professed and held, no doubt, in perfect sincerity, their separate religious opinions; but, as with regard to truth in religion, the most conflicting doctrines cannot all be right, and the majority would probably be wrong, it was, to say the least of it, a very Utopian notion to delegate to a body so constituted the very grave and important duty of devising such a form and system of religious instruction for the rising generation of Ireland as should lay a sure and proper foundation of Christianity in the youthful mind. If they were really successful in the undertaking, why, I would ask, has it not been attempted to heal religious differences in this country by a like process? Why have not the Lord Primate, Cardinal Wiseman, Dr. Pusey, and other dissenting bodies, been joined in a commission to lay a like foundation of millennial harmony in England? My Lords, it is no offence to the Unitarian to say that, in his view of the Deity, he differs essentially from those who worship God in Trinity, and pray to God the Father, to God the Son, and to God the Holy Ghost: equally conflicting are the views of those who worship a Queen of Heaven, and invoke the intercession of Saints and Angels, with the Protestant tenet, founded upon Holy Scripture, that there is no intercessor between God and man but the man Christ Jesus. The proceedings of this and of the other House of Parliament are always opened with prayer for the Divine guidance and blessing upon our deliberations. These Commissioners of Education, to whom is confided the responsibility of providing for the moral and religious training of the youth of Ireland cannot unite in prayer, and as they cannot pray for, assuredly they will not obtain, God's blessing upon their work. The result of the deliberations of persons holding such conflicting views as they do upon the fundamental doctrines of Christianity, so far from advancing the cause of truth, must have a tendency rather to throw back the nation upon that worship of the "Unknown God," from which it required the preaching of an inspired Apostle to raise the Athenian people.

The Board, however, set gravely to work at the task they had undertaken. They compiled, and, I understand, very ably compiled, from the Sacred Writings a volume of Scripture extracts. They composed a volume of sacred poetry, and adopted from the able pen of the most rev. Prelate, their Colleague upon the Board, a small work on Christian evidences, all of which they agreed in offering as books of common instruction in their schools; they invited the clergy of different religious denominations to afford separate religious instruction to the children of their respective flocks, out of school hours; and a registry was ordered to be kept by the school teachers, of the attendance of the children at divine service on Sunday. Such was the provision at first made for the religious training of the National school children. The registry of attendance at divine service never has been and never could have been kept by teachers, who lose sight of their pupils from Friday to Monday. Neither Scripture extracts, Christian evidences, or sacred poetry are any longer in use as books of common instruction. What is taught in common, under the rules of the Board, is altogether secular; and the only part of the plan that is called a provision for religious instruction is, that free access to the children by the ministers of their respective communions is permitted out of school hours, which, in truth, simply means that by the authority of the Commissioners of National Education, the parochial minister is restricted from access, for religious purposes, to the children of the poor during school hours, and that should he, at such a time, present himself among them, whatever occasion there might be for a word of Christian exhortation—whatever opportunity there might be for enforcing some great doctrinal truth, or for reproving any grievous error, he must not open his lips as a minister of the Gospel. My Lords, as well might you say that the manager of the opera makes provision for the religious instruction of his singers and dancers—all are welcome and invited to witness and admire their performances, only no one is permitted to interfere with the performers; but there is free access allowed to them either before or after the opera for religious or any other purposes. But, my Lords, to treat the matter more seriously, allow me to read you the words of an eminent but now departed statesman, whose opinions in reference to the separate religious instruction of National school children, will, I trust, not be disregarded by those who were formerly and to the last his attached followers. Speaking of the duty of the clergy of the Established Church, in reference to such an arrangement, Sir Robert Peel said—

> "But, with respect to the Established Church, I hope that rather than consent to any plan from which ecclesiastical authority is excluded, it would separate itself altogether from the State upon this point, that it would take the education of the people into its own hands, that it would not shrink from insisting upon the publication of its own peculiar doctrines, but that it would demand that the highest respect should be entertained for its power, by its being inculcated in the minds of children that religion formed the basis of education. I very much doubt whether, the principles of the Christian faith being thus inculcated among children, as good a chance of harmony would not be secured, as by telling them that religion was an open question, and that each of them was to be instructed by a minister of his own creed, on a certain day set apart for that purpose."—[3 *Hansard*, xlviii. 674.]

Just in accordance with what is thus laid down, has been the course adopted by the clergy of the Established Church in Ireland. They could not ally themselves with a system which required them to compromise their duty as ministers of the reformed faith. The Church did not separate from the State, but the State separated from the Church in the matter of education. The education of the poor had been for several years carried on with the aid of the Kildare-place Society, whose object it was, by the daily reading of a portion of Scripture, to impart a knowledge of the Bible along with other and secular instruction. The system may not have been altogether free from objection; but it did not militate against, it rather tended to uphold, the religion of the State, for it pointed to the Word of God as the standard of truth; it, therefore, had the co-operation of the clergy of the National Church, and I believe it was progressing with considerable benefit to the country. But a bull having been issued by the Pope in 1821, prohibiting the reading of the Scriptures in the Irish schools, the clergy of the Church of Rome, of course, became opposed to it. Still, education went on under the Kildare-place Society; and, had it not been interrupted, Ireland would probably ere this have been a very improved country. But, in an evil hour, and in express deference to the principles of the Roman Catholic Church, as enforced by the Pope's bull, the Government proposed the experiment of what was called the National System of **Education**, It called forth from the Irish Prelates a most able, temperate, and Christian remonstrance. Not one of them could be induced to connect himself with a scheme that appeared to strike at the very foundation of the Reformed faith. Opportunely, however, for the Government, the see of Dublin became vacant, and the distinguished Prelate who was then appointed to and still holds that see, was not unwilling to lend the aid of his great abilities, and the still more important sanction of his position, to assist in carrying the new system into operation. My Lords, it was not then for the first time that an Archbishop of Dublin was known to have taken a peculiar and a singular part upon occasions when the Pope exercised an usurped authority within this realm. In the nineteenth century, the occupant of that see separated himself from the rest of his brethren, to give practical effect to a Papal bull restricting the reading of God's Word by the Queen's subjects in Ireland. History informs us that, in the thirteenth century, when the wretched John consented to do homage for his Crown before the Pope's Legate, the only man who had the moral courage to protest against the humiliation of his Sovereign and the usurpation of the Pope, was an "Archbishop of Dublin."

Next in importance to a due provision for religious instruction, the arrangements for which I have pointed out, was the union of children of different religious denominations in the same school, as the means of afterwards uniting them in more kindly feelings. Although the Commissioners have often been called upon for some account of their success in this essential object of the institution, it has invariably been refused upon the ground that no registry of religious denominations was kept. Last year, however, my noble Friend the late Viceroy of Ireland was anxious to ascertain whether the Commissioners had really succeeded in this object or not; he accordingly called upon them for the necessary information; immediately all difficulty vanished—the Board, indeed, represented that they "had no official documents from which such a return could be made out, but that being desirous of complying with his Excellency's wishes in so important a matter," they had applied to the school managers. The returns they notice as having been furnished by the managers, and they proceed in their report to give the aggregate number of children of the Established Church, of Presbyterians, of other dissenters, and of Roman Catholics; but it does not appear that they ever furnished the Lord Lieutenant with the information for which he applied. He desired a return of the number and religious denominations of the children attending each of the National schools, in order to ascertain how far the principle of united education had obtained. The returns are in their hands; but in place of giving them, they call his Excellency's attention to a variety of statistical summaries of minor importance, and thus adroitly evade the question at issue, namely, to what extent Protestant and Roman Catholic children are united and under instruction in the same school-room? Those returns having been referred to in the body of the report, should have appeared in the appendix, and I have, therefore, to pray your Lordships to direct that they should be furnished. The withholding hitherto of all information upon this important object of the National system is the less excusable, because it will be seen that in their reports upon their district model schools, which are admittedly well-managed institutions, they parade the religious denominations of the children attending them as if they were true samples of the union of religious denominations in all their other schools. This may tend to mislead the public; but it, at all events, shows, that if these schools were really the models upon which other National schools were formed, they would each, in like manner, keep a regular registry of the religious denominations of their pupils. The general belief is, that very little of what is called united education exists in the ordinary National schools—that in schools under the patronage of Presbyterian ministers, the attendance is wholly Protestant—that in schools under Roman Catholic patronage the children are almost all Roman Catholics—that they are wholly without Protestant admixture wherever there is a Scripture school within reach; for there all the Protestants and many Roman Catholic children are drawn away—and if there is, in a few instances, a partial mixture of different creeds in the same school-room, it is because, for want of any other school, the parochial minister being unable to maintain one at his own expense, the Protestant children are obliged to resort to National schools, although under Roman Catholic, or, perhaps, monastic superintendence, and are thus withdrawn from the care and influence of their legitimate pastors.

Such my Lords, I believe to be the result of your endeavour to coerce the country to the adoption of united education. For the accomplishment of this object the Government mainly looked to the union of parish minister and priest as joint patrons of the parochial schools. Could these have united, no doubt the schools would have been mixed schools; but with respect to the success of the system in this most important point, the Commissioners are again very reserved—tables are exhibited showing the number and religious denominations of the patrons, lay and clerical; but the report is silent as to any school being under the joint management of priest and parson. Are we, hence, to suppose that there are no schools so managed? If not, why is information upon so interesting a point relating to school management withheld? The reason, my Lords, may perhaps be found in the fact, discoverable from a little note upon some statistical tables buried in the Appendix to the Report for 1850, that only eight schools out of above 4,800 are under the joint government of Roman Catholic clergymen and clergymen of the Established Church. The system was, in fact, proposed under the very mistaken belief, that the minister of the Reformed Faith and the minister of the Church of Rome could so far forget their peculiar missions as to be able to conduct in concert the education of youth, and in doing so to treat religion as an open question. The result necessarily was, that not one in 600 of the National Schools is under the joint management of clergymen of those opposite communions. Differences of creed do not prevent them working together in works of mere charity; and they did so most creditably and efficiently, when their personal services were required in the administration of relief to the poor during the late famine; but their missions are otherwise quite opposed, and as conscientious men they cannot overlook their duty of doctrinally instructing those children who come within the sphere of their influence, and are to receive at their hands the early principles of moral rectitude. The existence of great doctrinal differences in religion is to be regretted; but much more would it be to be regretted if the ministers of religion were to be regarded as hollow and insincere in their profession of faith. Lastly, the acceptance of the experiment of united education was to have been tested by the amount of pecuniary support it received from the upper classes. Such, at least, is the inference to be drawn from the stringent rule laid down by the Government with respect to aid from the public purse. The rule laid down is as follows:—

> "They (the Board) will invariably require, as a condition not to be departed from, that local funds shall be raised, upon which any aid from the public shall be dependent:
>
> "They will refuse all applications in which the following objects are not locally provided for:
>
> "1st. A fund sufficient for the annual repairs of the school-houses and furniture. 2nd. A permanent salary for the master, not less than—— pounds. 3rd. A sum sufficient to purchase books and school requisites at half price, and books of separate religious instruction at prime cost. 4th. Where aid is required from the Commissioners for building a school-house, it is required that at least one-third of the estimated expense be subscribed, a site for the building—to be approved of by the Commissioners—be granted to them, and the school-house, when finished, be vested in them."

From these invariable rules it would appear that the local expenses of the working of the National School System was to have been, for the most part locally provided for. It will be seen, however, that the originators of the scheme have, in this expectation, been also disappointed. The returns for which I shall move will probably show exactly how the case stands in respect of local contributions; but an estimate may probably be formed of it, by the particulars furnished respecting the local contributions in aid of 193 schools reported upon by Head-Inspector M'Creedy, and by assuming that the rest of the National Schools are locally aided in the same proportion:—

ESTIMATE OF LOCAL CONTRIBUTIONS.

Amount of local aid given towards the support of schools, reported upon by Head-Inspector MacCreedy, exclusive of school fees		£191	8	0
Add value of dwelling-houses, given to teachers of ditto, rent free ...		52	12	0
Gross total of local aid given to do.		244	0	0
Deduct amount of rent paid by teachers of ditto		50	18	0
Net amount of local aid given to do.		193	2	0
Rate of local aid per school, ascertained as above from Head-Inspector MacCreedy's report ...		1	0	0
Number of schools reported upon by Head-Inspector MacCreedy...	193			
Gross number of schools in operation in 1851	4704			
Deduct workhouse schools ...	128			
Number of schools in operation, in 1851, exclusive of workhouse schools	4576			
Total amount of local aid, given towards the support of National Schools in the year 1851, exclusive of school fees, but inclusive of the value of dwelling-houses,				

estimated as above, at the rate of £1 per school	4576	0	0
Building, &c., as per general schedule of the Commissioners ...	3017	6	8
Total local aid, 1851...	£7593	6	8

7,593*l.* 6*s.* 8*d.* being then taken as the total amount of money, exclusive of school fees locally contributed in 1851, let us see how it compares with the disbursements made by the Commissioners in the same year. The balance sheet is given at the end of the report, and it appears that the total of their payment for the year amounted to 158,564*l.*, being above twenty times as much as was locally subscribed. Almost the whole burden, therefore, of the education scheme falls upon the public; the rules with respect to the granting of public aid, which were never to have been departed from, have been abandoned, and the popularity of the system, so far as it is to be judged of by the amount of local support, is very low.

But let us compare the subscriptions for the National Schools with the amount of voluntary contributions in aid of the other Educational Institutions for the poor in Ireland. The amount of the Church Education Society's income for 1851, arising wholly from voluntary subscriptions, shows receipts to the amount of 40,718*l.*; if to this sum be added, on a rough estimate, rather less than half that amount, as the probable expense of the elementary schools of the Irish Society, of the Irish Church Missions, of the Wesleyan Methodists, and of schools, Roman Catholic and Protestant, not in connexion with the Board, it may fairly be assumed that the voluntary support given to what may be called denominational schools, is as eight to one compared with what is given in aid of the National School System; and that so far as pecuniary contributions may be regarded as a test of public opinion regarding the principles of education, the feelings of the clergy and laity of all persuasions are decidedly in favour of allowing the clergy of whatever denomination freely to disseminate in the schools of which they are respectively the patrons or managers, those doctrines of religion which they believe may best tend to fix the principles of children under instruction, and accustom them early to consider religion as the first thing needful.

I have now, my Lords, shown, and chiefly from official documents, in the first place, that the number of children so prominently set forth as upon the rolls of the National Schools, is no proof that so many are really under instruction; secondly, that the system in operation does not provide a religious education for the children of the poor; thirdly, that there is no evidence, but rather much reason to doubt, that children of different creeds are united in the school-rooms; fourthly, that the clergy of the different communions do not unite as joint managers of the schools; and, lastly, that the system does not obtain that amount of pecuniary support from the gentry and landlords that was required as an indispensable condition for the issue of public aid, and which assuredly would be given, as the working of the Church Education Society shows, if the system were a sound one. Could I point to results in any degree contradictory of what I have represented respecting the operation of the National system of Education, I would gladly notice them; but I find none. On the contrary, everything indicates how fruitless it has been of any moral benefit to the country. It purports to be a system of education based upon religion. After twenty-one years' uninterrupted operation, its fruits should appear in the improved moral and religious character of the people, in a marked development of their intelligence, in their improved fitness for the enjoyment of free institutions, and in the exhibition of those habits of industry, order, and provident economy which distinguish civilised from uncivilised nations. My Lords, where such habits are found to exist in Ireland, as, for instance, in a large portion of the North, they were there before the National Board was called into being; and where particular localities elsewhere exhibit any marked improvement, it is plainly referable to other known agencies, altogether apart from the National School System. So far as statistical evidence can be referred to, it all shows how lamentably Ireland, with her great natural advantages, yet lags behind in the march of civilisation, and goes to show that the System of National Education has rather retarded than in any degree advanced the moral and intellectual improvement of the population.

I regret that that portion of the Report of the Census Commissioners for 1851, which relates to education, has not yet been published. I do not apprehend that it would show, when so many educational agencies are at work, in addition to the gigantic machinery of the National System, that positive ignorance should have increased. I should rather expect to find that the mere elementary acquirements of reading and writing were more generally diffused; but it is a remarkable circumstance, that by the statistics of education given in the census of 1841, at the end of the first decennial period of the operation of the National System, the tables showed a positive and large increase in the proportion of persons unable either to read or write, to the whole population; whereas, at the several decennial periods from 1741 to 1831 there had been a gradual diminution of the proportion of ignorant persons. [*See Tables in the body of the Report of the Census Commissioners in* 1841, *pages* 34, 35.] In order to form a judgment how far habits of thrift and industry have been promoted by the National System of Education, I would call your Lordships' attention, and especially that of the right rev. Prelate opposite (the Bishop of Limerick) to a comparison between the state of the inhabitants of two Poor Law Unions, circumstanced nearly alike in respect of population and natural advantages. There are no positive statistics of industry to refer to; but the statistics of destitution may be relied upon, as showing the absence of thrift and employment. The population of the Limerick Union is returned at 110,628—that of Belfast Union at 125,668; from the education report it appears that there are within the Union of Limerick 5,512 pupils at the National Schools, or nearly one in twenty to the population; from the same report it appears that in the Belfast Union there are 4,744 National School children, or less than one in twenty-six of the population; whereas, while in the latter union there were of cases relieved in the workhouse 6,671, or little more than one in nineteen to the population, there were relieved in the Limerick workhouse not less than 17,550, or about one to seven of the population; and this notwithstanding numerous industrial schools at Limerick in connexion with the Board. To one of these I must particularly allude, as I think a part of its arrangements can hardly have the approbation of the right rev. Prelate who presides over that diocese: I allude to St. Munchin's Industrial Schools, conducted under the Sisters of the Order of Mercy. The District Inspector reports that on Sundays the pupils are taught writing and arithmetic from one till three o'clock; and he further observes, that he looks upon the whole plan as sound in principle, and its management as highly efficient. [*See pages* 766, 767 *of the Appendix to the* 18*th Report of the Commissioners of National Education in Ireland*, vol. i.] I do not find that the mode of keeping the Sabbath here, reported and approved of by the Board of Education, was noticed by the Commissioners, yet it cannot be denied that this report sets forth a systematic violation of the 4th Commandment. The state of crime may also be referred to as evidence respecting the effects of education. It is generally considered that crime lessens as education advances; but how does education appear to have operated in Ireland? In Ulster, where the proportion of National School children to population is shown to be about one to thirteen, there were in 1851, 3,462 committed for various offences, while in Munster, with about one in eleven of the population receiving education at National Schools, there were in the same year as many as 10,096, or nearly three times as many offenders as in Ulster. Again, we find from the report of the Inspector General of Prisons, that although the population had greatly diminished from 1841 to 1851, and the National School System rapidly progressed during the same period, that crime had greatly increased in 1851, as compared with 1841, instead of having been reduced by what should be the beneficial influences of education:—

EXTRACTS FROM REPORTS OF COMMISSIONERS OF NATIONAL EDUCATION, AND OF CENSUS COMMISSIONERS, 1851.

Province.	Children at National Schools.	Population.	Proportion to Population.
Ulster ...	151,082	2,004,289	About 1 in 13
Munster..	160,345	1,831,817	About 1 in 11

EXTRACT FROM REPORT OF INSPECTOR GENERAL OF PRISONS, 1851.

Province.	Committals.	Convictions.	Proportion of Committals to Population.
Ulster ...	3,462	1,843	About 1 in 579
Munster..	10,096	6,217	About 1 in 172

INCREASE OF CRIME IN IRELAND, FROM 1841 TO 1851, AS SHOWN BY REPORTS OF INSPECTOR GENERAL OF PRISONS.

Year.	Committed.	Convicted.	Increase of Committals in 1851.	Increase of Convictions in 1851.
1841	20,796	9,287	...	...
1851	24,684	14,377	388	5,090

I must advert to one more testimony to

the failure of the National School System. I hold in my hand a volume, entitled *Transactions during the Famine in Ireland*, compiled by the Society of Friends. The liberality with which that truly charitable body administered to the wants of the starving poor is well known; but their charity was not more exemplary in the largeness of their bounty than in the unceasing labour and intelligence with which it was administered; they carefully acquainted themselves with the circumstances with which they had to deal, they studied the character and condition of the people, and their model farm at Colemanstown still attests that their labour of love is going forward. It is remarkable, that while, after adverting to the prevalence of ignorance, and manifestly interesting themselves for the future well-being of the country, they never once notice the existence of the National System of Education; they abstain from reflecting upon what it has failed of doing, and they cannot connect it with any hope of Ireland's regeneration. Their silence regarding it is, in my mind, the most eloquent testimony to its failure. This volume includes, also, a statement of the proceeding of the American people, who likewise came forward to Ireland's relief in her time of need. I trust that the generous spirit and unbounded liberality of our American brethren, at that very trying season, will never pass from the minds of my countrymen, or of the people of England, who also so cordially took part in the same good work. Their common sympathy, evinced in behalf of Ireland, should strengthen and perpetuate that friendly union which has so long subsisted between the two empires. In contributing to the relief of Ireland, the Americans, like the Society of Friends, were not inattentive to the condition of the people; they had their agents to report minutely upon the districts they visited; but no notice is taken in any of their reports of the existence of schools under the National Board, and so totally do they ignore them, that we find them, in their benevolent desire to improve the condition of the Irish people, proposing a plan for their education. Whether their plan was a judicious one or not, I will not now inquire. In one thing, however, you might beneficially copy the example of America. When Mr. Abbott Lawrence, lately the American Envoy at this Court, visited Ireland, he spoke strongly of what education might effect for her, and especially of the blessing it would be to her, were her children taught to read the Bible.

My Lords, I have surely said enough to show that your experiment of united education has failed, and ought not to be longer persevered in. Let me entreat your Lordships to consider the question with reference to what is due by a people, too long the victim of this ill-imagined scheme—to consider it with reference to their future interests, and to the interests and character of the Government of this country. We are reproached with our religious divisions—that they operate as a bar to all improvement. So they have done, but it is by your endeavouring to force them into an unnatural union, just where they cannot unite. Do not ask the priest and the parson to act as religious teachers in the same schools? They cannot do so: you might as well attempt to mix oil and water as to make clergymen of such opposite persuasions joint instructors in the same schools. Oil and water is a mixture that will neither cleanse nor give light. Separate them, and they may do both. What has hitherto been an obstacle to the progress of education may greatly further its ends, if, by allowing the non-vested schools to be conducted under the separate control of their patrons with respect to the religious instruction of the children attending them, you do not attempt to coerce clergymen to compromise the duties of their respective missions. Let each in his own school teach and uphold what he believes to be truth in religion. Let the schools of all be brought under the same inspection, and payments be made to the school teachers only in proportion to the number of pupils found at the half-yearly inspection fitted to be advanced to a higher class in secular knowledge. By this means a principle of emulation will be created among the different schools, and the cause of education will prosper. Retain, if you like, the principle of united education in your vested schools, but let them be placed in a condition to reflect somewhat of the efficiency of the model schools.

My Lords, the plan I have just sketched for the modification of your system of educaation would be much more in accordance with that which you profess to have followed, namely, what was recommended by the Commission of 1812. I do not pretend to suggest anything original; the subject has occupied the thoughts of many, and the changes I have pointed out would be hailed by many even of the friends of the present system with gladness. The Roman Catholic priest desires the power of more freely teaching what he believes to be truth, to those who, by coming to his school, declare their willingness to be instructed by him. The minister of the Reformed faith desires, in like manner, freedom to teach all over whom he is placed in pastoral authority, who come to his schools, the great truths of Christianity established by God's Word. Let them, as in a free country, freely uphold the faith they respectively profess, and let them in the schools they may respectively superintend, bring, as they may see fit, the aid of religion to the inculcation of principles of moral conduct. Thus would Ireland be placed upon a footing of equality with England in the education of her youth; and thus would she, at no distant period, be enabled to attain that position in the scale of civilised nations for which her natural resources and the intelligence of her population fit her. It only remains for me to pray your Lordships to pardon the undue length to which my address has run, and to move for the Papers of which I gave notice.

Moved—

"That an humble Address be presented to Her Majesty for—I. Copy of Returns furnished by the Commissioners of National Education in Ireland to his Excellency the Earl of Eglintoun, when Lord Lieutenant, 'of the number of children attending each of the National Schools in Ireland, and of the religious denominations to which they belong,' as referred to in the 14th page of the Eighteenth Report of the Commissioners on National Education in Ireland. II. List of the *vested* schools, stating: 1, Parish in which situated; 2, date of connexion with the Board; 3, name and religion of teacher; 4, amount of salary from Board; 5, amount of local aid given towards teacher's salary, in the way of subscriptions, during the year referred to in the eighteenth report; 6, amount of school fees paid during the same period; 7, whether there is a residence provided for the teacher; 8, name and religion of patron; 9, number of children on the roll of each such schools, distinguishing the number of the Established Church, of Presbyterians, of Protestant Dissenters, and of Roman Catholics; 10, whether the 'Scripture Lessons' were habitually used during the hours of united instruction for the same period. III. Similar returns respecting the *non-vested* schools. IV. Return from the Clerk of this House of the respective dates at which each of the annual reports of the Commissioners of National Education in Ireland have been laid upon the table of this House, and of the dates at which they have been respectively distributed to the Members of this House."

The Earl of ABERDEEN said, he wished to make a few observations in reply to the statements of the noble Earl. The noble Earl had said that the system of national education in Ireland had failed—that it was vicious in its conception, and that it had entirely failed in its operation. Now, he (the Earl of Aberdeen) was ready to admit that the system had not succeeded to the extent which its originators had at first expected. But to what was that result to be attributed? Was it not owing to the noble Earl and his friends? He (the Earl of Aberdeen) lamented that a large portion of the clergy of the Established Church in Ireland should, from the first, have opposed the operation of that system; but wherever it had been supported by the clergy it had been successful; and if others had followed the example of that most learned, zealous, and enlightened Prelate who had so long been at the head of the National Board (the Archbishop of Dublin), he believed they would have had the success of the system commensurate with the expectation that had been formed of its success. But it had been the misfortune of Ireland that every attempt made for the improvement of the country had been almost always converted to purposes of sectarian differences, whether religious or political. He admitted that it was the duty of every public man to view with forbearance the opinions of those who differed from him. But he must confess that when he saw this whole system of national education obstinately opposed, and the chance—the best chance—perhaps the only chance—for the permanent improvement of Ireland, rejected and wantonly thrown away—he confessed that it was with some difficulty he suppressed his feelings of indignation. Although, however, the system had not succeeded to the extent it would have succeeded, if it had been supported as it ought to have been, he denied that it had failed in the manner described by the noble Earl. The noble Earl had very cavalierly set aside the reports of the Commissioners. He said that he had no confidence in their accuracy; he told their Lordships even that he could not trust them, because they had been signed by the secretaries, and not by the Commissioners themselves. Now, he (the Earl of Aberdeen) confessed that he was prepared to place confidence in the returns of the Commissioners; that he was perfectly ready to believe that they had endeavoured to do their duty honestly; and that the mere numbers which they stated showed that they had done their duty, and that the system was progressing. Looking merely at the numbers of the schools and of the scholars, he found that, from the very commencement down to the year 1851, the success of the system had been constantly and steadily progressive. During the last twenty years, with the exception of the years 1847 and 1849—and the reasons for those exceptions were explained in the reports of the Commissioners for those years—the progress had been uninterrupted and increasing. Last year the schools had increased by 157, and the scholars had increased by upwards of 9,000. The whole number of the schools at the end of the year 1851 was 4,811, and the whole number of the pupils was 529,637. With such a result, the system could not be said to have failed. It might have been more extended, and it would have been, no doubt, but for the reason to which he had already adverted; but the facts he had just mentioned showed that it had to a very considerable extent succeeded. The schools had increased by 157 in the year 1851, and last year a still greater number of applications for the establishment of schools had been addressed to the Board, and especially from the province of Ulster—a fact which showed that the system of education was increasing in that province instead of diminishing. The original object and main principle of the system, as he apprehended, was non-interference with the religious tenets of the children. It was a system of joint secular education and of separate religious education. That principle had been perfectly maintained. He believed that since the very commencement of the system there had not been one single instance of proselytism in any of these schools. But the noble Earl appeared to object to the omission of the Scripture extracts, and complained that they were not read in the schools. Now, this was a strange objection in the mouth of the noble Earl—for he (the Earl of Aberdeen) believed that the introduction of those Scripture extracts had been most strenuously objected to by the noble Earl and his supporters—that they had always maintained that, those extracts were but a mutilation of the Word of Life—that a free access to the whole of the Holy Scriptures was a fundamental principle of Protestantism. And yet the noble Earl at present complained that those extracts were proscribed. But they were not proscribed. The use of them was encouraged in the vested schools, and was recommended in all the schools. Practically, what did the noble Earl propose? He proposed that separate grants should be made to the schools of the Church Education Society, and to all schools without restriction, and that the Roman Catholics and Protestants should each be allowed to teach their respective religion in their own schools. But was he prepared to admit that the Roman Catholic population should receive their full portion of the public money for their schools? If so, he spoke the language of the most violent of the Roman Catholic party. They would cordially support the noble Earl in that proposal; and he (the Earl of Aberdeen) believed that some of their most distinguished Prelates advocated the very course which the noble Earl recommended. Now, what in effect was that proposal? It was a proposal to make national grants to the Church Education Society; and if the proposal were adopted now, they could not refuse to vote grants to the Roman Catholic body in the same proportion. Now, with a Roman Catholic population of five to one, or whatever the proportion might be—with an immense majority of Roman Catholics in Ireland—the noble Earl must be prepared to make proportionate grants to that body, and then they would, through Parliament and through the Government, recognise that system of separation which, as he had already said, led to the encouragement of that sectarian spirit which had been the bane of Ireland. He did not profess to possess an accurate acquaintance with the working details of that system. It might present subjects for improvement. It was quite possible that the rules might be modified, or made more clear, or that additional regulations might be introduced with advantage. It was possible that that might be the case—the system might admit of improvement; but he did think it would be a great misfortune for Ireland if it were changed in any essential point. He would venture to say that the noble Earl opposite (the Earl of Derby), who had first introduced that system into Ireland, had never in his life conferred a greater benefit on his country, or done anything of which he might more reasonably be proud, than this. He (the Earl of Aberdeen) understood that the noble Earl the late Lord Lieutenant for Ireland (the Earl of Eglinton) had made inquiries into the working of the system, and had been so satisfied of its advantages that he had not found it advisable materially to alter it; and if he recollected rightly, the noble Earl lately at the head of the Government (the Earl of

Derby) had declared that he also had looked into the system, and that he had contemplated the introduction into it of some alterations and improvements, but that he had come to the resolution that he ought not to make any suggestion to Parliament upon the subject. He (the Earl of Aberdeen) thought that was a testimony that ought to weigh with their Lordships in considering that question. For himself, he did not deny that the system might be improved, and he was sure that the Commissioners would be the last persons to reject any practical proposal for its amendment. All that he said was, preserve the principle of the system entire; and if they did so, he did hope that, notwithstanding the opposition of a large portion of the clergy of the Established Church—an opposition which he was happy to say was diminishing —he did hope that by a steady adherence to the essential principles of the system, they would find that it would ultimately be productive of the amount of good which was originally anticipated from it.

The EARL of EGLINTON said, that although he did not agree with the noble Earl (the Earl of Clancarty) in the remarks with which he had wound up his speech, and though he did not see his way to the plan which he had sketched as a substitute for the present system—nevertheless he thought their Lordships owed a debt of gratitude to the noble Earl for having brought that subject so fully under their notice; and he almost regretted that the noble Earl had not brought the question under their consideration in a more decided manner by moving for a Select Committee to inquire into the system. For he thought that a subject on which depended the education of several hundreds of thousands of children was well deserving of their Lordships' consideration. There could, certainly, be but one opinion among their Lordships as to the desirability of the Irish people receiving a liberal education. When he went to Ireland last year in the capacity of Lord Lieutenant, knowing, as he did, that a very large portion of the clergymen of the Established Church in Ireland—more than three-fourths of the members of that body—were opposed to the system, and that among them were such men as the Primate, the Bishop of Ossory, the Bishop of Meath, and many others, eminent alike for their piety and their charity; knowing, too, as he did, that it was opposed, also by his noble Friend (the Earl of Clancarty)—one of the best resident landlords in Ireland—he confessed that he had gone to that country with an impression that there must be much in the system which was wrong and which required to be reformed. He could not, therefore, agree with his noble Friend that every Lord Lieutenant went over to Ireland with a prejudice in favour of the system; for, so far as he was concerned, if he went with a prejudice at all, it was a prejudice against it, and with a desire to meet the wishes of its opponents, if possible. But, after paying the most unremitting attention to the subject, he had come to the conclusion that, although he thought there was much which might with advantage be altered, he could see no plan by which the wishes of the party represented by the noble Earl could be satisfied without running the risk—he might say without almost incurring the certainty—of driving all the Roman Catholics from the schools. Feeling, therefore, that he could not recommend any change which would not have that most dangerous tendency, he had not had the nerve to propose, on his own responsibility, any measure that had been suggested to him or that had occurred to his own mind, and therefore he had recommended no change at all. But he had felt that, although the Government ought not to take the initiative in proposing any change upon that subject, they might be disposed to accede to a proposal for a Committee of Inquiry if asked for; and he had written to that effect to his noble Friend before the meeting of Parliament in November last. He quite agreed with the noble Earl at the head of the Government (the Earl of Aberdeen) in thinking that the failure —if failure there were—of that system was very much owing to a refusal on the part of a large portion of the clergy of the Established Church in Ireland, and of the laity too, to join in carrying it into effect. He thought it most unfortunate that a large body among the best portion of Irish society should refuse to join in what he agreed with the noble Earl at the head of the Government in thinking the best chance for the regeneration of Ireland; but he must do justice to the sentiments by which they were actuated, and he felt convinced that they were prevented by conscientious motives from agreeing to a system by which the reading of the Bible was excluded from the schools; and he confessed that that did seem at first a startling proposition to a Protestant Christian. He thought it, however, unfortunate that they should have decided upon taking such a course. The circumstance of the Protestant clergy and laity taking no part in encouraging the present system of education in Ireland, tended in some measure to give to the Roman Catholic clergymen possession of the grants set apart for the building of the National schools, and thus conferring upon them greater power over those schools than they would otherwise enjoy. He thought that to that fact was owing, in a great measure, the partial failure of the present system of education in Ireland. But at the same time he should observe—and his noble Friend the noble Earl who preceded him in the government of that country (the Earl of Clarendon) would, he trusted, forgive him for what he was about to say—that in his (the Earl of Eglinton's) opinion the refusal of the noble Earl to extend Government patronage to any but those who were favourable to the National system of education, was a proceeding ill-judged and unfair. Unfair, because it deprived very much the greater proportion of the clergy of the Established Church in Ireland of any chance of rising in their profession, or at any rate of receiving advancement at the hands of Government; and ill-judged, because it prevented men of high feeling and principle from coming into a system which they were told they must acquiesce in, or receive no preferment. The noble Earl at the head of the Government had said that he understood that the feeling in favour of the system was gaining ground among the Protestant clergy; but if so, he (the Earl of Eglinton) could not but think the change was owing, in a great measure, to the fact that the line of policy to which he had just referred had been abandoned. He could not go so far as the noble Earl who introduced the subject went, in denouncing the abuses of the system of education in Ireland. He was of opinion that that system, as it had originally been projected, was perhaps the best that could be devised for a country situated as Ireland was. He thought it a great pity that that system, as projected by his noble Friend who sat behind him (the Earl of Derby), had not been properly carried out; and he must say that the books which were used in the National schools, and upon which the noble Earl (the Earl of Clancarty) had animadverted, were the very best that could be put into the hands of the children who received instruction in any schools. [The Earl of CLANCARTY explained that he had not said anything against the books sanctioned by the Board; on the contrary he thought they reflected great credit on the Board.] Much, however, as he approved of the system of National education in Ireland, he could not altogether approve of the manner in which it was carried out. The only religious books which were authorised by the Board were, he believed, almost universally disused in those schools over which Roman Catholic clergymen presided. But there was still more to be said in condemnation of the working of the system, for in some model schools, of which the Commissioners themselves were the patrons, those books were not read. Thus their disuse was not only permitted upon the part of the Commissioners, but as it were enjoined; inasmuch as in cases where they were the patrons, they, in not ordering them to be read, in effect prohibited their use. He thought, therefore, that, looking to the working of the system, their Lordships would agree with him in thinking that there was a great opening for reform with regard to the manner in which the system was carried out; and in his opinion there was hardly a subject better deserving—he would go further and say which more imperatively called for, consideration. He should be very sorry indeed that the result of a Parliamentary inquiry should be to break up such a system; but he should most joyfully concur in any proposal which would give to it greater effect, and which would tend to soothe the feelings of those parties whom he believed to have justly felt irritated and annoyed. He sincerely hoped that their Lordships would enter into an inquiry, or that the inquiry which might be instituted in another place might have the effect of bringing about a better state of things, and which would tend to strengthen a system which he believed to be for the good of Ireland, and which he should be sorry to see overthrown.

The EARL of CLARENDON said, he had not intended to take any part in the present discussion; but the noble Earl opposite (the Earl of Eglinton) having so directly alluded to him in the course of his remarks, he hoped their Lordships would permit him to say a few words in reply. The noble Earl had said that he considered it to have been ill-judged and unfair to select only those clergymen for preferment on the part of the Crown who were friendly to the National system of education. The noble Earl in saying that, had only repeated what had been constantly said in Ireland, and for which he (the Earl of Clarendon) had been greatly abused. It had even been said in Dublin that clergymen had been tortured with regard to their opinions on this subject; that they had been asked their opinions, and refused preferment if they proved unfavourable. Now, he was very much obliged to the noble Earl for having made allusion to him in connexion with this point, because it afforded him an opportunity of giving those statements a distinct and unequivocal denial. He begged to assure their Lordships that he had never in his life asked any clergyman what his opinions on this subject were—for the best of all reasons, that it was quite unnecessary; but he admitted that, in fulfilment of to him the most anxious, because most sacred, duty which devolved on him in the office which he had had the honour to hold, of selecting fit persons for the preferment of the Crown, he had invariably instituted every inquiry in his power as to the piety, the learning, the habits, and, in fact, all the antecedents of the persons who requested to be promoted; and that among those antecedents he need hardly add he included, not the course they were likely to take, but the course they had taken during the period they had been in the ministry, on this momentous question. He frankly admitted, too, that, *cœteris paribus*, he had always given the appointment to the individual who agreed with the views he himself entertained with respect to this important system: and he must say that he should have failed in his duty, and would justly have called in question the sincerity of his own opinions, if he had appointed men who would have felt it their duty to thwart the working of the system to situations which would have enabled them to oppose a policy which he conceived was advantageous to Ireland. To have listened to the language which had been held on this subject in Ireland—of which their Lordships could only form a faint idea—one would have thought that the whole patronage of the Church rested in the hands of the Crown: whereas the patronage of the Crown, as his noble Friend knew, consisted of the bishoprics and deaneries, with some few church livings of no great value. Where one clergyman, therefore, looked to the Crown for preferment, ten looked elsewhere. The same system as that which he felt it his duty to follow with regard to the patronage of the Crown, was also followed under the Government of Sir Robert Peel, with few exceptions. Two eminent persons who were known to be hostile to the National system were appointed to bishoprics by Sir Robert Peel's Government, with the view of ascertaining whether they would be equally liberal in the exercise of their patronage to persons who were in favour of the system; but he appealed to the candour of a right rev. Prelate from Ireland then present to say whether they had ever in any case exercised their patronage in favour of a supporter of the system. He had never called in question the purity of the motives of those who had opposed the system, but he must say he impugned their judgment. He thought that the clergy of the Established Church who had opposed the system, had not merely foregone a great opportunity of doing good, but had omitted what he considered to be a sacred duty on this question. They would attend no school, nor give any religious instruction in any school, unless the doctrines taught were entirely in accordance with their own religious belief. But in declaring that they would lend their sanction to no scheme unless it included religious instruction according to their views, they in effect declared that the Roman Catholic poor should have no education at all—they left the poor in ignorance, and to its concomitant, vice. On this principle one might as well refuse a morsel of bread to a starving man, or medical assistance to one dying of the cholera, because they had not adopted the same regimen, as leave the most destitute of human beings thus to become the victims of ignorance and the pests of society. These had been his opinions from the first; and he was glad to hear them confirmed some time ago by one now, alas! no more, the late Bishop of Meath, whose pious zeal and Christian character would long be remembered by those who had had the privilege of his acquaintance. That right rev. Prelate said, that the parish clergyman was the minister by law established, and that it was his duty to administer the schools as constituted by the law as he found it. He might not like the law; but as long as it was the law it was his duty to administer the word of God to all who were ready to receive it; and those who did not do so not only neglected their duty but incurred a grave responsibility. There were various other topics which he had heard with great regret, though not with any surprise, from the noble Earl opposite; but he had long known his conscientious hostility to the present system. He would, in conclusion, only join in the request made by the noble Earl at the head of the Government, that their Lordships would not, by holding out expectations of any change, impair the efficiency of a system which he conscientiously believed, though it might have defects, as all human institutions must have, was better calculated than any other to promote the great cause of education among the poorer classes of our fellow-countrymen in Ireland.

The BISHOP of LIMERICK said, he felt that he should be guilty of a dereliction of his duty if he did not stand up in that House to defend and vindicate the National system of education in Ireland —a system which had been grossly misrepresented; yes, calumniated and misunderstood. He had been resident in Ireland for thirty-two years, and had during that period occupied many responsible positions. He had lived for nine years in Dublin, and had been for nineteen years rector of the large and populous parish of Roscrea, in the county of Tipperary. He had, at the expiration of those nineteen years, been promoted to the deanery and was now in occupation of the see of Limerick; and therefore he thought he should not be guilty of arrogance if he should state that he had had time and opportunity both to observe and to reflect upon the peculiarities of the country; and it would not be deemed presumptuous in one who had had so good an opportunity of viewing the working of the National system of education in Ireland to offer some observations to their Lordships upon the subject. From his experience of that system, he felt justified in saying—and he did so with the utmost integrity of purpose and of feeling—that there was no system of education so well adapted to the people of Ireland as the National system. He did not mean to say that as a Protestant minister he would, had a choice been in his power, have selected that system for his own people in preference to some other; but he did mean to state that, taking into consideration the circumstances of Ireland—the divisions that prevailed among its inhabitants upon the subject of religion—the various religious sections into which they separated—no system could have been devised which would have answered the exigencies of that country so well. It was needless for him to enter into the various topics connected with the question of education in Ireland. Their Lordships had heard of the Kildare-street Society, which for some time appeared to be in a flourishing condition, but which had never taken root among the Roman Catholic portion of the population. Why was it that that society had not answered the purposes for which it had been established? Simply, because it was a system which carried with it the element of compulsion—an element contrary to the first principles of human nature, and one which therefore could never have flourished for any lengthened period. The National system of education was no novel system. In 1812 the Commissioners had been appointed upon the subject of education in Ireland. The Members of that Commission were the Archbishop of Armagh, the Archbishop of Cashel, the Bishop of Killala, and Dr. Elrington, the Provost of Dublin University. What had been the result of the inquiry instituted by that Commission? In the report which had been made by those gentlemen whose names he had just mentioned, they had expressed their unanimous opinion, that no plan of education could be carried into execution unless it was explicitly avowed and clearly understood that no attempt should be made to exercise an influence over the peculiar religious tenets of any sect. He (the Bishop of Limerick) did not mean to assert that any institution the work of fallible beings could be infallible; but he might be permitted to inquire at whose door the suposed inefficacy of the National system in Ireland was to be laid? He believed it lay at the door of those influential individuals, both lay and clerical, who had refused to adopt it, and who had in the most unmeasured terms denounced all those who were disposed to aid the Government in fully developing that system. He would not quarrel with the conscientious opinions of any man. He did not stand in that House to bring vague accusations against his dissenting brethren; but, knowing that numbers were led away by party feelings, he was anxious that those persons should be induced to adopt the course which he had himself adopted at an early stage of the proceedings, and to inquire and judge and act for themselves. Their Lordships were well aware that when the system of National education began to develop itself in Ireland, that controversy had become ripe, and such a dispute had been raised about it that it was scarcely possible to weigh the arguments coolly or dispassionately upon one side or upon the other. He had, however, determined to take the matter into his own hands, and to act for himself. He looked narrowly into the principle involved in the question, and had been guided in coming to a decision upon it by that excellent rule, "Do unto others as you would be done by." He desired to see his brethren in Ireland follow up that rule, and he was sure that there would be little of sectarian rancour prevailing among its inhabitants. With respect to the books which were used in the National schools, he believed that they were admitted upon all hands to be incomparable. They were works which enjoyed a European reputation. They had found their way to every quarter of the globe—they had excited the jealousy even of the booksellers of London, and had stamped upon them indelibly their character for excellence. With regard to the working of the National system, he was desirous of offering a few observations to their Lordships before he concluded. He had visited a school in the south of Ireland, to which some of the children came from a distance of two or three miles, and in that school the greatest harmony and order prevailed among the pupils, and a degree of proficiency had been manifested by them, which he felt assured could hardly be attained under any other system than that which at present excited. There was also another school which was under the management of a friend of his own, and he (the Bishop of Limerick) had been requested to attend the examination which had been held at that school. He had attended, and had examined some of the children in the presence of their teacher, the subject of examination having been the fall of our first parents, and the consequences which had flowed from it. Having heard the answers of those children to the questions which he had put to them, he had immediately inquired whether their teacher was a Roman Catholic or a Protestant. He had found that he was a Roman Catholic; and he did not hesitate to say that in that school there had been questions put and answers given which did credit alike to master and pupil. He had also visited another school which was attached to a convent, and was entirely directed by nuns. The lady superior had asked him to examine the children, and he had done so, and had received as clear and distinct answers from them upon the several points upon which he had questioned them as he could possibly have expected. It had been represented that the system was a failure. He would not weary their Lordships with details upon this point; but he would ask them if that was likely that a system had failed which upon its rolls numbered the names of half a million of children? From the inquiry which had been instituted by the late Lord Lieutenant of Ireland it would be found that the admixture of Roman Catholic and Protestant children in those schools was in relative proportion to the difference of the Roman Catholic and Protestant population. He felt strongly upon the subject of national education in Ireland, and from year to year had made the most minute inquiries with respect to its progress, and he found that the prejudices which had existed against the National system were fast wearing away, and that the Protestant children who visited those National schools received no injury whatever in their religious feelings or faith. One word as to any change in the system, as it now existed. It could not be expected that in any institution of this kind abuses and perversions would not take place. It appertained to human nature that it should be so. It was incidental to all human institutions; but he ventured to say, as far as care could obtain, that the system was guarded in every possible way, and that abuse was not inherent in it. He could conceive nothing more detrimental to Ireland than any attempt to invalidate the fundamental principles of the National system. He could conceive nothing more disastrous to the Protestant community itself, because it was quite clear that, failing it, grants would have to be made in proportion to the Roman Catholic and Protestant population. Nor could he conceive anything more morally injurious to the people of Ireland than to attempt to draw a line of demarcation between them, and to make them stand eternally in antagonism. But there was something more than that, and he did not hesitate to say it. The most disastrous effects might be expected from any alteration whatever in the system. There would be an attempt made to introduce into those schools Ultramontanism.

As it was, the Christian education of the children was promoted to a very great extent; but if we once deviated from the line that had been marked out, the education of the people would be sought to be placed in the hands of those who were known to be persons of extreme views. He yielded to no man in his veneration for the Scriptures. He took them to be the enlivening ray of his reason as well as the purifying principle of his will, and he could say in sincerity and truth that they were dearer to him than thousands of gold or of silver; but he had yet to learn, because he believed all Scripture to have been written by inspiration, and to be eminently calculated to bless the human race; he had yet to learn, because he venerated the sacred volume as he did, that therefore he was at liberty to compel the reading of it, or, what was the same thing, that he was to debar thousands upon thousands of his fellow-creatures from the blessings of education because they were restricted from the liberty which he himself enjoyed. So had not taught, so had acted not, the great Head of our religion, and his Apostles. They had offered freely the word of life to those who would receive it, but in no instance had they attempted to coerce men to its perusal. Under all the circumstances of the case, he believed that there was no system so suited to the wants of the country and the exigencies of the people of Ireland, as the National system of education.

The BISHOP of LONDON observed, that whatever affected the efficiency and usefulness of the Protestant Church in Ireland, must necessarily affect in some degree, and perhaps in consequences remote, the Church of England. And were the connexion between the two less intimate than it was, yet, as the special mission and office of both were alike—to uphold the honour and to diffuse a knowledge of the word of God—it resulted that whatever tended to cripple and restrain one branch of the Reformed Church in the performance of its duty, must, of necessity, discourage and perhaps weaken the other. He was anxious to testify for his brethren of the Irish Church the deep sympathy with which he viewed their continued efforts for the cause of Scriptural truth. Whatever might have been the case some years ago, the clergy of the Church were now discharging their duties most zealously and faithfully under circumstances of great difficulty and discouragement, and were doing all in their power to recover from the reproach which formerly, whether truly or not, had been cast upon them, of apathy and indifference. It was because he considered the National system of education not only not favourable to the diffusion of Scriptural knowledge, but an insuperable bar to it, that he had from the first declared himself one of its opponents. He was most anxious to refrain from everything of a merely polemical character. He desired to say not a single word that could be construed to reflect even by implication upon those who had devised that great scheme, or who were charged with its execution, or of those who felt bound to support it. He was well aware that it had the approval and countenance of many men eminent for piety, attached to the principle of religious liberty, and faithful to what they believed to be the interests of the Protestant Church; but in his conscience he believed they were in error. Their Lordships had been told what was the history of this system of National education in Ireland. It had been stated that the reports of Commissioners appointed to inquire into the subject of education in Ireland, the first dating as far back as 1812, that had led to the establishment of the present system; but the result, as embodied in the system, was very different from that which might be anticipated from the reports themselves. The parochial schools were found by those Commissioners to be, at that time, in a very defective state, though many were in progress of improvement. The reports of the parochial schools, year by year, became more favourable, and though confessedly inadequate to the wants of the people, it was stated that they were every year getting more and more adequate for the purposes for which they were established. That being the case, what was the recommendation of the Commissioners? Did they recommend that the parochial schools should be extinguished, starved, or discouraged? By no means. They recommended that they should be preserved, extended, and improved, and that other schools of a more comprehensive character should also be established. That was a most important feature in the question, and he believed that if only moderate aid had been extended to the parochial schools, in the course of a few years they would have presented a spectacle of sound, intellectual, and also religious education. He could not help thinking the Government of this country had dealt with Ireland for many years past with respect to education much as if a large proprietor of land, which was periodically parched up, and who had the sole command of the waters of the district, should require his tenants to alter their system of cultivation from pasture to arable, or from arable to pasture, according to some preconceived theory in his own mind, before he would allow them to take water from his reservoir to irrigate their fields according to their respective wants, and their own judgment of what their interests required. As he had alluded to the report of the Commissioners, he trusted their Lordships would bear with him whilst he read the actual words, because they were really important. The Commissioners recommended "that the schools should be left undisturbed, that the spirit of improvement already manifested might be further developed under the influence of that emulation which the new establishments would naturally excite." Could it be said that the present Board of Commissioners, acting under the direction of higher authority —and therefore he did not blame them personally—but could it be said they had in any way aided the parochial schools, or carried out the recommendation of the Commissioners? They could not, because uniformly, and without exception, they had refused every application from parochial schools for extension and improvement. He thought he could show that the principle of the National Society was vicious. However true and sound it might be in appearance—and he would admit it was true and sound in appearance, and he would admit the objects it aimed at were valuable in themselves—he was prepared to show, if time allowed, that in principle it was not of that character, and that its objects could not be attained. It was utterly impossible to carry out a system of combined education in such a country as Ireland. Looking at the antagonism of the two great parties, it was impossible to unite Catholics and Protestants, and give them a combined system of education, however elementary, in the same schools, which should satisfy the religious instructors of one or the other, where the instructions of the Protestant minister would be strenuously opposed by the Roman Catholic priest, and the Roman Catholic priest by the Protestant minister. And if they were to banish religious education from the schools, and leave it to the respective pastors to inculcate it at such times as they might think fit, they would make religion appear a matter of little or no importance—they would seem to treat it as the most indifferent part of education, which children might be left to acquire or not to acquire, according to the caprice of parents, or the inclination of their spiritual instructors. No doubt the Board of Education in Ireland had made some good selections from the word of God, though not wholly free from errors; but his objection was, that the poor and ignorant children were not made acquainted with these extracts as part of the authoritative word of God. As an illustration, he met a poor boy, when travelling last year in Ireland, and he asked him some very elementary questions; and the boy answered those questions on the whole as well as a boy could be expected to do. He asked what was the first Commandment, and the boy told him. He asked where he learnt that, and the boy said in the second book of the school readings. "But where did the second book learn it from?" "Indeed I don't know," said the boy. "Does it come from the Bible?" "I don't know?" "Do you ever read the Bible?" "I cannot say that I do." "Did you ever hear of it?" "No; I never did." Such was the result of the conversation: the lad had no notion that what he had repeated was a portion of the word of God—passages from the Bible. When he said the united system of education was not likely to answer in such a country as Ireland, he did not speak at random. He recollected stating the same thing, in nearly the same words, fourteen or fifteen years ago, when their Lordships sanctioned the assertion by carrying an Address to Her Majesty in which that principle was condemned. The right hon. Baronet now at the head of the Admiralty (Sir James Graham), on a certain occasion in the House of Commons, said he had serious doubts whether even in a country like England a combined system of education would work. And if there could be no such system in England, still less, he (the Bishop of London) thought, could it be carried out in Ireland, because the exclusion of the Bible from education was much more strongly insisted on by one party, and necessarily more demanded by the other. When he looked abroad, he found the same grave doubt subsisting. Thiersch, a Prussian professor, in his report on normal schools, said—

"Many arguments recommended the division of the seminary for teaching (at Kaiserlautern) according to the professions of faith. I know and respect the motives which dictated that in the Circle of the Rhine both confessions (Protestant and Roman Catholic) should be united in a single seminary. But it is conceivable, and the experience of other countries shows that it is found to be so, that when seminaries are separate, toleration may be secured both among teachers and communities; indeed, that this is more effectually attained the more each confession is secured in its real wants."

Again, the Minister of Education in France, in his circular addressed to the prefects in 1833, though admitting the advantage of children, by frequenting the same schools, contracting habits of mutual goodwill, was of opinion that it was desirable to have separate schools, according to each communion. He (the right rev. Prelate) believed, therefore, that he could not be justly accused of an exclusive spirit, if, looking to the real interests of the children of this kingdom, where such marked distinction in religion existed, he considered the children of the different creeds could be best educated in separate schools, where they would acquire what their parents believed to be the word of God in its integrity and truth. He confessed he doubted whether the system of combined education was very fully carried out in Ireland—at all events in many cases it was opposed by the Roman Catholic priests, and it was futile to speak of the system as conciliating them. Some time ago a petition was sent to the Board of Education, to establish one of their model schools at Waterford; the Board agreed; but when it was found that the model school would be conducted on the same principles as the model school in Dublin (which must not be supposed to be at all like the schools in other parts), the Roman Catholic bishop immediately denounced it, because it was not to be under the complete control of the Catholic priests. Another illustration of his position was afforded by Dr. Cullen, who for some time called himself Primate of Ireland, and now Roman Catholic Archbishop of Dublin. That individual, in a letter to Alderman Boylan, in August, 1851, thus wrote in relation to the Drogheda model school:—

> "The object of such establishments appears to be the development of mixed education. Protestant, Presbyterian, and Catholic teachers are to be united in them, and children of every denomination are invited to attend them, and thus a mixture is compounded that is anything rather than Catholic. The whole system tends to inspire children with the absurd idea that all religions are equally good; and it is thus hostile to truth, which is one and exclusive in its nature. The system also is directed to throw the education of a Catholic people into the hands of a Protestant Government, or at least of a commission appointed by the Protestant Ministers of the day. Ought Catholics, or can they conscientiously, take an active part in establishing such schools?"

So, again, the *Tablet* newspaper thus wrote:—

> "There is nothing in the constitution of the common schools to impede them from being purely Catholic. But the model schools are intended to be all mixed, and must be so from their constitution. Now, is this mixture good for Catholics? Is the mixed system good for children whose minds are yet untrained, who cannot sufficiently distinguish truth from falsehood? Every one who has been in a purely Catholic school knows what exertions are made to preserve purity of morals, which are sadly neglected in Protestant schools, and especially in those which are under Government control."

Nothing was more unfair or untrue than that charge, but these extracts would show their Lordships what was felt by the leading Roman Catholics of Ireland with regard to the system. The Roman Catholic priests would not have anything to do with the National schools, generally speaking, unless they were under their own control. That such was their spirit might be judged from their acts, of which he would give a practical example. An industrial school, of the most effective and useful character, had been established in the immediate vicinity of the noble Earl who had brought forward this subject, by whose liberality it was mainly supported, and by whose close personal superintendence its utility promised largely to develop itself. But some words of Scripture reading were used in the school, and, this coming to the ears of the Roman Catholic priests in the neighbourhood, they immediately got up a requisition to the Inspector of Education for the establishment of another school close by that already in operation. It was to no purpose shown that a second school was not at all required, for, by the exertions of the requisitionists, the Board of Education were induced to establish a second school, and the public money was expended in a purpose worse than useless. Again, in Wicklow, some Sisters of Mercy, entering one of the National schools by chance, heard a scriptural question put to some of the children, and immediately every Roman Catholic child was withdrawn. There was another instance in which, if he was wrong, the noble Earl, who had just returned from the Government of Ireland, would set him right. In the immediate vicinity of the Phœnix-park a very good school was established, where Protestant and Catholic children were instructed without any attempt at proselytising. The noble Earl attended an examination, and certain questions were put to the children on the Holy Scriptures.

The EARL of EGLINTON said, the right rev. Prelate was mistaken. He did not attend an examination.

The BISHOP of LONDON believed the story was in substance true.

The EARL of EGLINTON had no doubt of its truth.

The BISHOP of LONDON: Well, as soon as it was known such questions had been put, every Roman Catholic scholar was withdrawn. It was not only the deep interest he felt in the welfare of the branch of the United Church established in Ireland that induced him to put forward his opinions on the practical inexpediency of the combined system of education, in connexion with religious instruction; he feared that before long an attempt might be made to introduce that system into England. He did not say it would be successful. God be praised, he had the fullest confidence it would fail; but the attempt would be made. People sometimes became weary of opposing the same thing when repeatedly brought forward, and the most mischievous system might be established by a failure of patience and perseverance in those who were opposed to it. The introduction of such a system of education would inflict deep injury on the best interests of the country. Already had a Member of the other House placed on its notice-paper this notice:—

> "Mr. W. Fox.—Amendment on Mr. Hamilton's Motion for Select Committee on the National System of Education in Ireland, to omit all the words after 'how far,' and to substitute the following, 'it is practicable and expedient to extend the benefits of that system to the population of England and Wales.'—(After Easter.)"

It was the duty of all who took an interest in education and concurred in his views, to throw themselves into the breach, and to endeavour to stem the tide which, if not stopped at first, might inundate the fair face of the land, and undermine the true principles of religious education.

The BISHOP of NORWICH said, that having resided for some time in Ireland he was reluctant to allow the discussion to close without saying a few words, lest it should be supposed that he agreed in the statements that had been made by some of the speakers who had preceded him. There could be no doubt that the religious element was, of all, the most important in education, whether public or private, and that unless that element were included, any system of education, however perfect in other respects, must be not only ineffective but a positive evil. But when you came to apply this religious element to the education of a people composed of differing denominations and persuasions, great difficulties presented themselves. The noble Earl who introduced the Motion (the Earl of Clancarty) proposed to meet this difficulty by separate grants. His right rev. Brother who spoke last appeared to concur in that view. He thought that what had fallen from the noble Earl at the head of the Government, and from his right rev. Friend near him, respecting the disproportion between the Roman Catholic population and the Protestant, and the disadvantageous position in which the Protestant minority would be placed by separate grants, was a sufficient reason why they should not adopt that course. But the objection was really stronger than had been stated; for the disproportion was not uniform, but varied. In the north of Ireland the separate grant system would not be so injurious to the Protestant interests, because there Protestants were not in so great a minority; but the disproportion in the south and west was so large that, in many parishes, it would be impossible to collect Protestant children enough to constitute a claim for any separate grant. What must, then, be the result? Why, the schools would become Roman Catholic schools, and the Protestant children must receive Roman Catholic instruction. Assuming, then, that the National system of education in Ireland, combining the education of children of various denominations, must be the system adopted, the question was, how to apply the religious element? If, on the one hand, they attempted to make the religious teaching sufficient and what it ought to be, they were obliged to invade the rights of conscience. If, on the other hand, they wished to respect the rights of conscience, they were obliged to pare down the religious teaching, so that it necessarily became meagre and defective. When they came to judge of the National education system in Ireland with respect to the religious element, it could not justly be compared with what they considered religious instruction for children ought to be. If he were asked, whether he should be satisfied with the National system and its religious element in a school composed of children over whose education he had entire control, he would say "No;" but their Lordships must judge of that system by a due consideration of the difficulties inherent in the very nature of a national system. Their Lordships must also refer to the efforts which had been previously made to effect the same object, and compare the working of the present system with the results of those efforts. When first a national system of education was undertaken for Ireland by the Kildare Street Society, the difficulty in regard to the religious element was felt and carefully considered. The experiment made at that time was very much that which the noble Earl now proposed to renew. It was presumed that as all denominations of Christians were agreed in the divine authority of the Bible, although they differed in their interpretation of it, that the Bible, without interpretation might be made a common school book for the children of all creeds. No questions were to be asked. The children were to read the Bible, and were allowed to put what construction they pleased, or no construction at all, on it. He did not mean to offer any remarks upon that system; but, from whatever cause, it proved a complete and utter failure. The next attempt made was to divide the religious teaching, and to have two teachers in each school, one of the Roman Catholic and one of the Protestant religion. That system was quite as great a failure as the first. The National system of education in Ireland was in that state when the noble Earl late at the head of the Government (the Earl of Derby) entered on the office of Chief Secretary for Ireland, and undertook to grapple with the question. The noble Earl addressed a letter to the Duke of Leinster, propounding his views, and that letter was the basis of the present system. That letter he (the Bishop of Norwich) considered not more remarkable for its statesmanlike wisdom than for its religious regard to the interests of religion. The Board of Commissioners received their instructions from that letter. It laid down the broad principle upon which national education could alone be successfully carried on—that of combined instruction in secular matters, and separate instruction in religious matters. That was the only principle which could ever work in Ireland. The letter contained various instructions by which the Commissioners were to carry out the principle thus laid down; and especially for securing that religious teaching which was acknowledged by all to be necessarily connected with a proper system of national education. As it could not be given in combined lessons to the Roman Catholic children and Protestant children, the Commissioners took care that every facility should be afforded for giving it in separate lessons. But the letter of the noble Earl did not stop there. It recommended to the Commissioners to consider whether any religious books could be agreed on for the joint use of the children of both denominations. The result of that recommendation was the compilation of a book containing Scriptural extracts—a book regarding which, he was happy to find, many had changed their opinions. Many who used to point to it as the great blot of the system, now considered it as its redeeming feature. But that was not all. The Commissioners agreed upon another work on the evidences of Christianity, which, little and simple as it was, contained instruction which few of their Lordships could turn to without rising from the perusal not only edified but perhaps informed. These books, however, were never intended to represent the religious education of the schools. Nobody pretended that. These books were supplemental; and if no other result had followed, that a body of Commissioners, representing such widely-opposed Christian communities, should have found so much common ground as was testified by these books, brought out under their joint authority, that alone would be something for ever to be remembered, in connexion with this great movement. The late head of the Government in Ireland had said that these books were only used in schools under Protestant patronage. But whose fault was it that the number of those schools was not greater? Must all that be attributed to the opposition which was arrayed against these schools? His belief was, that the result of that discussion would be to lead many of their Lordships not only to read the documents and returns, but, having read them, to see that the system which was at work in Ireland, was producing manifest effects in that country, and that it was a great and useful institution. The conclusion to which he had come was, that of all the legislative boons conferred upon Ireland since her Legislature had been one with that of Great Britain, there had been no boon so great, or capable of producing such great results, as that of the establishment of the present system of National education.

The Earl of HARROWBY concurred in the opinion expressed by the noble Earl who had commenced this discussion, that the time had come when they ought to be able to produce some proof of the practical benefit that had resulted from the system of national education. It had been in operation twenty years, and it was certainly time to ascertain whether it had produced the results that had been anticipated—whether it had made the Protestants and Roman Catholics better acquainted, whether it had mitigated religious animosities, and had raised the moral feeling of the people. It ought no longer to be considered an experiment. Surely, after twenty years, something ought to be known on these points. It was extremely difficult to arrive at any certain result from the Reports of the Commissioners. They were all aware that, whatever the Commissioners wished to happen, there was a tendency on their part to press it as a fact upon the community. He thought that nothing but a strict examination into the working of the system would enable Parliament to come to a conclusion as to its successful operation. Some reflections had been cast upon the Protestant clergy of Ireland for not cordially co-operating with the Commissioners in carrying the National system of education into effect. He did not consider that those reflections were merited. They were a body of conscientious men, who had but one object in view, that of discharging their duty in the way deemed best—they could have no other motive. It was not, therefore, just or generous to hurl against them all sorts of accusations for opposing the present system. They ought to receive credit for conscientiously discharging what they believed to be their duty; and while we respected the scruples of the Roman Catholic clergy against the reading of the Scriptures, although we believed they were wrong, surely we should respect the scruples of the Protestant clergy who insisted upon the use of the Scriptures. Was it quite so clear that the National system of education in Ireland was calculated to work well in every part of that country? Was it so clear that there must be only one system? There was not one system for England: we adapted our system to the circumstances; and therefore although the mixed system might do for some parts of Ireland, it did not follow that the separate system would not do better for other parts. These things at all events required investigation; and the complaints of those who had complaints to make ought to be heard. He believed that nothing would more tend to quiet the public mind, and put an end to the irritation and sense of injustice felt in certain quarters, than an inquiry upon which all sides should be heard, and which should be undertaken for no purpose of controversy, but simply and solely with the view of ascertaining the effects of the system so far as it had already gone.

The Earl of DERBY said, that although he had always taken a deep interest in this question, he should not have thought it necessary to have said a single word on the present occasion if he had not been desirous of expressing his concurrence in what had fallen from his noble Friend on the cross benches (the Earl of Harrowby). In the first place, he entirely concurred with him that it was a most unjust and ungenerous charge against the Protestant clergy of Ireland—that large body who, he regretted to say, were opposed to the system of National education in that country—that they were desirous of abridging the means of education, when, in fact, they were only acting from conscientious motives, and with a desire to promote what they conceived to be pure religious instruction. If, however, he thought it a lamentable error on the part of a large portion of the Irish clergy that they did not lend their assistance in aiding the National system of education in Ireland—and if they had rendered their assistance, he was satisfied they would have exercised an important and beneficial control over it—he must say that though in the course of that discussion they had heard two speakers express their regret at the course they had pursued, and the consequences which had followed from that course, they had not heard any of those opprobrious epithets or imputations heaped upon them to which the noble Earl had alluded. He also agreed with his noble Friend, that after the lapse of twenty or twenty-one years from the time the system was established, and after a great many of the misrepresentations and misapprehensions which had existed with respect to it had passed away, the period had now arrived when an inquiry might be usefully and beneficially instituted, both in that and the other House of Parliament, as to the practical working of, and the effects which had arisen from, the system of National education in Ireland. He thought, with his noble Friend, that the inquiry ought to be directed particularly to the effects of the system in those cases where it had been worked with the concurrence of parties of different denominations. He thought they could not expect the same advantage to result from the working of the system where all the different parties whose concurrence might be necessary to its success, had not given it their support. It was known that in many places—he regretted to say a great many—the system had not been fairly and properly worked out, and that those fruits had not prevailed which ought to have prevailed, and where abuses existed which ought to be exposed. But, on the other hand, notwithstanding the system might have received the condemnation of the Protestant clergy, there had been improved morality, improved character, and improved habits among the population of those places where the schools had had fair play, and had been cordially supported by all parties. It would be impossible for their Lordships to look fairly into the practical working of the system, unless they were prepared to carry their views somewhat further back than the present time, and see what had been the state of education previously in Ireland. His noble Friend who introduced this subject, and who entertained very strong and, he was sure, conscientious opinions upon it, doubted the amount and extent of the education given at the schools, and threw considerable suspicion upon the figures which were furnished in the returns of the Commissioners, and which, though he (the Earl of Derby) owned they were not in all cases strictly correct, he believed gave a fair approximation of the actual numbers attending those schools. His noble Friend would forgive him for saying that one of the arguments on which he founded the inaccuracy of the returns, in point of fact, showed one of the fallacies on which he proceeded. In the first instance, he took the calculation of the Commissioners of the total number of children between the ages of seven and eleven attending those schools, and argued that the number was greater than the actual number of children in the whole population; but he committed the mistake of supposing that the returns of the Commissioners referred only to children between seven and eleven years of age, whereas there were included those between the ages of seven and thirteen; and he (the Earl of Derby) knew from his own practical experience that a very considerable number of boys, and a much more considerable number of girls, far beyond the age of thirteen, attended a large portion of the schools, more especially girls between fourteen and fifteen, and even in some cases between eighteen and nineteen years of age. And all these, his noble Friend had failed to observe, were not taken into account by the Commissioners in their calculation. Did this not show that the calculation of the Commissioners might be quite correct as to children between seven and thirteen, and yet that the total number receiving education in the schools might exceed the number of the population between those ages. But he would refer to a case which his noble Friend himself had produced, which showed that in many instances there were children at the schools who did not come within the view of the Commissioners. His noble Friend had said that he knew of schools where children below the age of seven attended and received instruction. Those children consequently could not be taken into consideration by the Commissioners. But, not to confine themselves to mere numbers, his noble Friend would not deny that there were scattered throughout the country many excellent-built schools, clean and in good working order, some of them erected at a cost of above 4,000*l.*; nor would he deny that within those schools a very large number, at all events, of the Roman Catholic population of Ireland were receiving education. It would appear from what had been said in the course of the debate, that the late Lord Lieutenant had been misapprehended, as if he had intended to cast some reflection upon the books which had been introduced into the schools. But that noble Earl must rejoice to find that the compilation of Scriptural extracts, for which, when the system was first introduced, they who brought it forward had the bitterest vials of wrath poured out upon their heads in having so mutilated the Scriptures—the noble Earl must now rejoice to find that that compilation had met with almost universal acceptance. He said that the schoolbooks introduced by the Board of National Education were most valuable, that they were admirable in point of selection, that they contained a vast amount of useful information, and that they were models of elementary books. If the noble Earl who had brought forward the Motion would look back to see what was the uniform character which marked the elementary schoolbooks of Ireland previous to 1836, he would find that they were productions of the most corrupt description, and leading to the greatest demoralisation. The lives of highwaymen—works calculated to impress the minds of the young with anything but right feelings and right motives—such were the books which, with a few exceptions, were used in the great majority of the hedge schools of Ireland. Therefore, according to the statement of his noble Friend himself, they had here a testimony to the effect produced by the National System of Education in Ireland during the last twenty years. For the schools which were previously accessible to the Roman Catholics of Ireland, there had, by the confession of his noble Friend, been substituted, under the control of the National Board of Education, plain well-built schools, and books well adapted for the purposes of instruction, which had taken the place of that vicious literature. If their Lordships went no further, here were effects produced by the system of National Education within the last twenty years. It could not be said of it that it was a system which had borne no fruit, if it had gone no further; and, if they did away with that system to-morrow, they would not be able to do away with the moral effect produced by the working of that system—they would not be able to do away with the requirement it had produced in the minds of the people of Ireland for a better, a superior, a more moral education than that which they formerly received. A right rev. Prelate (the Bishop of London), who had always been an opponent of this system of education, quoted to-night (perhaps not quite correctly) an anecdote which it was surprising he did not see afforded an illustration, to a considerable extent, of the very opposite doctrine to that doctrine which he had maintained. Referring to the case of a school at Castleknock, the right rev. Prelate said that there was an examination in the Scriptures, in consequence of which the Roman Catholic priest had desired that the Roman Catholic scholars should withdraw from the school. The facts, he (the Earl of Derby) believed, were these:—There was a school at Castleknock, which was attended by the Roman Catholic and the Protestant clergymen. That was unfortunately a rare case; but the right rev. Prelate had paid an unconscious tribute to the working of the system, as he said the examination took place by the Protestant clergyman, before the late Lord Lieutenant, and the result was, that the examination being on Scriptural questions, the answers of the children exhibited a very considerable degree of proficiency in Scriptural knowledge. His noble Friend on the cross-benches asked for proof of the working of this system. He (the Earl of Derby) would take that case cited by the right rev. Prelate. The right rev. Prelate should be a witness that in that school, where the Roman Catholic and Protestant clergymen, without interfering with each other, were at different hours giving religious instruction to the children of their different religions, it appeared on the testimony of the Protestant clergyman, examining Roman Catholic children in Scriptural knowledge, that the Roman Catholic children had acquired a large amount of Scriptural knowledge. That case afforded an illustration of what was hoped and intended when the system was established. The original object was, as had been truly stated, that a combined system of religious and secular instruction should be given to the people of Ireland. It was not intended that the books introduced by the Board should be a substitute for religious knowledge, but that ample opportunity should be given to clergymen of different denominations for conveying that instruction which he (the Earl of Derby) thought an essential element of an education which was worthy of the name of education at all. He had stated what the system of National education in Ireland was intended to be; and he must say that one alteration had been made which had struck him as being of very doubtful propriety; neither had he heard any argument to satisfy him that such an alteration should be made, namely, an alteration which involved not only the exclusion of the Scriptures, but the exclusion of those Scriptural lessons which had entered into the combined education of Roman Catholics and Protestants. Those lessons had been agreed to by the most eminent men of different persuasions, and were introduced as conveying a large amount of Scriptural truth on which there was no difference between the two denominations; and he thought it an unfortunate circumstance that, whatever differences might exist on religious matters, whatever scruples might be felt by individuals, these lessons, agreed upon by men so eminent, should be excluded from the schools; for, though there were many points of Scripture on which it was impossible to give combined instruction without jarring on this one or the other, yet he thought it of importance that, as far as religious education could be given, the young should not be instructed on the points upon which they differed only, but that they should learn how much larger was the ground on which they had to cherish a common belief, common hopes, and a common religion. And therefore he was surprised that not only had the exclusion of the Scriptural extracts been winked at, but that, by the authority of the Commissioners, or of the Secretary of the Board, a positive prohibition had been issued against the use of those Scriptural extracts during the hours of combined instruction, thus taking away from the combined education every thing that gave it the impress of a religious character. He was more inclined to lament that this course should have been followed by the Commissioners, because it established a strange inconsistency, which clearly ought not to exist between the model and the ordinary schools. That the model school of Dublin was an admirably conducted institution, every one who visited it acknowledged, for every one left it with feelings of admiration; but it was not fair that the Board should take credit for the model school in Dublin as a model, unless the other schools of Ireland were practically founded upon it as a model; and he had heard with great regret the other day, that, not only from local schools, but from some local schools actually under the control of the Commissioners, the extracts were excluded. That was a point which certainly ought to be inquired into—which certainly ought to be explained; it was a departure from the original plan; and it was one which, being calculated to add to the religious objections stated to the system of education, ought to be vindicated by those who thought that they were able to assign good reasons for what he thought an important deviation from the original plan. He thought it also desirable to take into consideration how far the Scriptural extracts were unused in a large portion of the schools under the control of Roman Catholic patrons. He was afraid lest in that and in some other respects the system, as it had been worked out, would be found to have fallen short of what was intended when it was established. It was not enough to say that so many pupils of the established Protestant Church, so many of the Presbyterian body, so many Roman Catholics, attended the schools. To show the operation of the combined system, the admixture ought to be shown in the different schools. There were schools almost entirely Presbyterian; there were schools exclusively Roman Catholic; and, in fact, the combined character of the education would be found in many cases existing to a much smaller extent than the degree indicated by the total numbers. Much must be left to the discretion of individual patrons. Where a person had put himself at the head of a school, whether he was lay or clerical, determined to work out the system as it was originally contemplated that it should be worked out, there he (the Earl of Derby) was confident in the hope and belief that on inquiry it would be found that a full moral and literary education was given, in accordance with the plan of the combined schools, to Protestant and Roman Catholic; there, also, it would practically be found that a sound religious education was given to both of them separately—that they both of them attained considerable knowledge of religious truth; and there, also, he hoped it would be found that a practical improvement had been effected in the social condition, in the morals and habits of the community. The circumstance to which he had referred tended to aggravate the objections of those who were most opposed to the system. The serious difficulty which he urged his noble Friend deliberately to consider was—he did not say whether the existing rules might not be modified, or acted up to more in accordance with the original intention—but whether they should depart from the original intention with which the system was introduced, not by the Government of which he was the organ alone, but on the previous recommendations of a Commission composed of most eminent and pious persons. If they did away with the fundamental principle of the system so introduced and established, they ran the greatest risk of sacrificing all the advantages which even his noble Friend could not deny had been gained by the twenty years' practice of this system. They ran the risk of introducing a much more formidable difficulty, not only the risk of diminishing the amount of education given actually in Ireland, but the serious risk of separating altogether the feelings and habits of the population of both denominations, and throwing that which they were most desirous to leave out of those hands

—namely, the education of the large bulk of the Roman Catholic population—into the hands of the most violent and most bigoted of the Roman Catholic clergy. If the education of all denominations of Christians were separated, and they were left to their own schools and their own principles, no control on the part of the Government being exercised, and the way being opened for a most complete spiritual despotism on the part of the Roman Catholic priests, the integrity of the principles on which the system had been founded would be infringed, and reliance must be placed on the zealous exertions of ministers of religion to supply a portion of that which was possible under the auspices of a Government Board—the combined education of children of different denominations—without trenching on the principles of civil and religious liberty. The position and circumstances of Ireland were so different from those of England, that one could not draw any conclusion from what would work advantageously in the one country with respect to what would work advantageously in the other. He deprecated, as far as any man could, an attempt to introduce into England the Irish system of education; and he felt convinced that the Motion of which notice had been given in the other House, had for its object not to introduce that system into England, but to prevent a stringent impartial inquiry into the practical working of the system as it stood in Ireland. Their Lordships might depend upon it that the attempt to introduce the Irish system into England would be a signal failure. He felt confident, however desirable it might be to consult the views of the Protestant clergy, to meet their just wishes and even their religious prejudices, if he might use the word, that the introduction of a separate system for instruction according to the principles of each separate denomination in Ireland, would produce infinitely more disadvantage than the country could derive benefit; and, in endeavouring to avoid a partial evil, there would be inflicted on Ireland a great calamity, by the sacrifice of that system which, he hoped and believed, was working for the good of the people.

The Marquess of LANSDOWNE said, that after what had been stated at an earlier stage of the discussion, and after the subject had been debated with so much ability the preponderance of argument being in favour of the National system as it now existed, it was not necessary for him to add one word. When the noble Earl opposite and the noble Earl who preceded him suggested the propriety of entering into a large inquiry on the subject, he (the Marquess of Lansdowne) could not but beseech their Lordships to pause and consider the probable consequences of entering into an inquiry of so large and so indefinite a description—large and indefinite indeed as it must appear to be from the description of his noble Friend and the noble Earl opposite, when he said it was desirable to go into that Committee of Inquiry with the view of ascertaining what were the effects which the system had produced on the morals, passions, and political feelings of the population of Ireland. If they entered into an inquiry with that view, they would rouse at once in Ireland all those passions and political feelings which it had been their object to control and regulate; and they could not prevent such a Committee from opening sources of angry discussion in conflicting evidence. Their Lordships would, he believed, best do their duty to Ireland by firmly adhering to a system of which they had the advantage of knowing, on experiment, that it was the system which had educated Ireland when every other system had failed to educate Ireland. When it was remarked that all Governments had dealt somewhat hardly with Ireland in entering upon this system without instituting a comparison with other means and modes of education, it was forgotten that it was not till every other mode had been tried and failed, and grants had been made for education in different forms, in all cases with an unsatisfactory result, that, at last, on the conviction first of one Government and then of another, the system now established was adopted, and adopted from the conviction hat there were no other means of uniting all classes in anything like a common education. He agreed with the noble Lord opposite in adjuring their Lordships not hastily to interfere with a system which had, for the first time, united children of different religious denominations in one education, and had been the means of introducing a better class of books for instruction, and a better mode of education than any known previously, and which, up to the present moment, had been promoting progressive improvement and amendment in the Roman Catholic as well as the Protestant mind and feelings of the country, for their Lordships could not get rid of the fact that during late years, and especially the past year, as this system had advanced more and more, the Protestant parishes and clergy had come forward to be included in it; and the number of propositions was at the present moment larger from Protestants and from Protestant schools than had been seen at any other period. That of itself was an indication that the system was working in a way in which no system ever worked before; and, considering the ground which had been passed, considering that this system had prevailed over all disadvantages—over a state approaching to rebellion at one time, over famine and pestilence at another—which had, notwithstanding all these disadvantages, been the means of communicating the greatest blessings to 500,000 persons, he trusted their Lordships would, at all events, pause and consider well how by any unlimited inquiry they ran the risk of letting in fresh elements of contention at a moment when those elements which had hitherto existed were repressed, if not dead. With reference to a statement respecting the Archbishop of Dublin, he repelled the imputation that he had been appointed by the Government of the day for the purpose of carrying out the National system of education.

The EARL of CLANCARTY replied. It was a mistake to suppose that he had said that the most rev. Prelate had been selected to fill the office of Archbishop in order to carry out the National system of education in Ireland. He had never thought of imputing anything so discreditable to the then Government of the day. He (the Earl of Clancarty) felt greatly relieved by what had fallen from the noble Earl near him (the Earl of Derby), who had saved him from the necessity of saying much in reply to the noble Earl opposite (the Earl of Aberdeen), and had vindicated in great measure the course which had been taken by the Protestant clergy of Ireland on this question. The noble Earl had expressed his belief—and his opinion was a very important one—that the Protestant clergy were not to be charged with obstinacy in their refusal to support the National system of education. As far as regarded the reflections which the noble Earl opposite had cast upon himself (the Earl of Clancarty), and the indignation with which he had said that he was filled at his (the Earl of Clancarty's) remarks, he confessed that they were matters of indifference to him, seeing that the noble Earl had rested his observations upon an implicit reliance on all that was stated in the report; whereas, although he (the Earl of Clancarty) had taken the report to pieces, yet he had done so from materials which were furnished by the report itself. The noble Earl seemed to think that the present national system of education had superseded a very objectionable system. The noble Earl, in this observation, no doubt, referred to the hedge schools; but the truth was that the National system had superseded a scriptural system under which 300,000 children had received education. A noble Lord had expressed regret that he (the Earl of Clancarty) had not followed up his speech with a Motion for a Commission of Inquiry; but he thought that such a Motion would come more appropriately from the originator of the experiment rather than from himself, who might be supposed to be a partial judge.

On Question, *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 7, 1853.

MINUTES.] PUBLIC BILLS.—1° Indemnity.
3° Slave Trade (New Granada); Slave Trade (Sohar in Arabia); Mutiny; Marine Mutiny.

GUILDFORD ELECTION.

LORD SEYMOUR appeared at the bar with the Report of the Select Committee appointed to try and determine the proceedings at the Election for the Borough of Guildford. The Committee had determined that Ross Donnelly Mangles, Esq., and James Bell, Esq., are duly elected to serve in this present Parliament for the Borough of Guildford; and the Committee had further agreed to the following Resolutions:—

"That the allegations of bribery and treating contained in the Petition were made without any reasonable ground, and are frivolous and vexatious.

"The Committee have thereupon ordered, that all costs and expenses, of and relating to the said allegations, shall be forthwith paid by the Petitioner and his surety, to the said Ross Donnelly Mangles and James Bell, esquires.

Report to lie on the table.

KINGSTON-UPON-HULL ELECTION.

MR. LABOUCHERE appeared at the bar with the Report of the Select Committee on the charges contained in the petition against the return of the Sitting

Members. He had to state to the House that James Clay, Esq., and Viscount Goderich, were not duly elected Burgesses to serve in this present Parliament for the Borough of Kingston-upon-Hull. That the last election for the said Borough is a void election. The Committee had unanimously agreed to the following Resolutions:—

> "That the said James Clay, esquire, and Viscount Goderich, were, by their agents, guilty of bribery and treating at the last Election.
>
> "That it was not proved that the acts of bribery or treating were committed with the knowledge or consent of the Sitting Members.
>
> "That John Walker was actively engaged as an agent in carrying into effect a most extensive system of bribery and treating at the last Election.
>
> "That there is reason to believe that corrupt practices have extensively prevailed at the last Election for the Borough of Kingston-upon-Hull.
>
> "That the Committee also found, that there is reason to believe that a system has existed in the Borough of Kingston upon Hull of bribing the poorer class of voters in great numbers, by a payment of about thirty shillings a head at the last and former Elections."

Report to lie on the table.

RYE ELECTION.

SIR JOHN PAKINGTON appeared at the bar with the Report of the Select Committee appointed to inquire into the petition complaining of an undue return in the above Election. The Committee had determined that William Alexander Mackinnon, esquire, is not duly elected a Baron to serve in this present Parliament for the Town and Port of Rye. That the last Election for the said Town and Port is a void Election. The Committee had also agreed to the following Resolutions:—

> "That William Alexander Mackinnon, esquire, was, by his agents, guilty of treating at the last Election for the said Town and Port.
>
> "That on the first day of the sitting of this Committee, the said William Alexander Mackinnon, esquire, by his Counsel, declared that, being unable to disconnect his Agents with treating which took place at a dinner given to certain of the Electors of the Town and Port of Rye, on July 2nd, 1852, he was satisfied that the Committee must come to the decision that his Election was void on the ground of treating, and therefore that he should no longer defend his Seat.
>
> "That the reasons alleged by Counsel for the abandonment of the trial of the said charges of bribery appeared to this Committee to be sufficient to justify such abandonment, and they therefore have not felt it necessary to examine the Sitting Member, or the Candidate, or their agents, under the powers given by the Act 5 & 6 *Vict.*, c. 102, s. 2."

Report to lie on the table.

THE CANAL THROUGH THE ISTHMUS OF DARIEN.

MR. HUME said, that, seeing the noble Lord the Member for the City of London in his place, he wished to ask him a question of great importance, not only to this country, but to the whole world. It was as regarded the formation of a ship canal through the Isthmus of Darien, to communicate between the Atlantic and Pacific Oceans. A publication had appeared of very great interest, communicated to the President of the United States in the form of a letter from the Hon. Mr. Everett, Secretary of State, on that subject, and as anything connected with the commerce of the world must be interesting to this country, especially to the parties who took an interest in the question, he begged to ask whether the Government had received any intimation on the subject of the undertaking, which was so much before the public, of opening a communication between the Atlantic and Pacific Oceans through the Isthmus of Darien, and, if so, whether they would be prepared to state their views upon that subject?

LORD JOHN RUSSELL: Sir, with respect to the question of my hon. Friend, which is on a most important subject, I beg to state, first, that with regard to the canal across the Isthmus of Darien, the recent intelligence which has been received induced the Government to think that the convention entered into with the United States would by no means answer the desired purpose, the projectors of that canal having changed their scheme from a canal which would admit merchant vessels of large size to a canal of a restrictive depth, and, in fact, one which would only be useful to coasting vessels. Her Majesty's Government, therefore, communicated with the Government of the United States upon that subject, declaring that the object originally contemplated by that plan would not be gained by the altered scheme. Lately there has been another plan proposed, which is, to make a ship canal of thirty feet depth through the Isthmus of Darien, having a very sufficient port at each end, so as to join the Pacific and Atlantic Oceans. The House will at once perceive that this is a subject of very great importance. So far as Her Majesty's Government have had an opportunity of judging, they would be very favourable to a plan of that kind, and they would be very glad if the United States Government would concur with them in favouring the plan, supposing, on examination of the country, it should be found to be practicable. I do not, of course, wish, on the part of the Government, to give any opinion upon the engineering questions involved, and upon other questions which are for others to consider; but, so far as the general outline of the plan is concerned, I have to say that I think, if that plan could be adopted, it would tend very much to increase and favour the commerce of all nations.

SILVER COINAGE—THE MINT.

Mr. BASS said, he begged to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the want of a sufficient supply of silver coin, from which, notwithstanding the efforts made by the Mint authorities, trade and commerce were suffering very severely. He begged to ask the right hon. Gentleman whether he could give any hope that that inconvenience would be remedied?

The **CHANCELLOR of the EXCHEQUER** said, the demand for gold was so pressing, that there was no chance of their being able to apply the Mint to the production of silver coinage. 500,000 sovereigns per week were now being turned out—that was to say, about twice as much as was supposed to be the regular work of the Mint, and means were being taken to increase that supply in order to meet the demand for sovereigns, of the diminution of which there was no immediate prospect. With respect to silver, something, he hoped, had been done to mitigate the demand. During January 92,000*l.* of silver coinage was struck, which was a very considerable amount, and the Government was not given to suppose that the want was now extreme; but at all events more would be done to meet that want as soon as the demand for gold would allow.

Mr. HUME said, he wished to know whether anything had been determined on with respect to the establishment of a Mint in Australia, which would relieve the Mint here from the pressure upon it, and also meet the growing demands of the Colony?

The **CHANCELLOR of the EXCHEQUER** said, that subject had been under the anxious consideration of the Government for some time. There were several questions of great importance connected with it, but he hoped he might say that they were all decided, and it only remained now to put into a formal shape the views of the Government on the subject.

CORN AVERAGES.

Sir GEORGE PECHELL said, he wished to ask the right hon. President of the Board of Trade when he intended to introduce a measure for amending the present system of ascertaining the average prices of British corn?

Mr. CARDWELL said, he could not, he thought, be mistaken in supposing that this question originated or was connected with the recommendation which had been received by the Government from some farmers in the neighbourhood of Brighton, who complained that the corn averages did not give a fair result of the supply of corn, and that the corn rentcharges and tithe averages were in that way prejudicially affected. They proposed that the averages should be taken from returns made by the seller and buyer conjointly, and that, after the first sale from the grower, no sale should enter into the average. The House was aware that, under the present system, the buyer only was responsible for the returns. The whole subject of agricultural statistics, and these among the rest, was under serious consideration; but he was not prepared to commit himself to impose a penalty upon every farmer who did not return every sale of corn accurately to the Government, because he was sure that a measure of that kind was one which he should not have much prospect of carrying.

RAILWAY ACCIDENTS.

Sir JOHN PAKINGTON: Sir, I have a question to put to the right hon. Gentleman the President of the Board of Trade, to which it is probable he can give me an answer without notice. I wish to ask the right hon. Gentleman whether his attention has been directed to the sacrifice of human life and the frightful extent of suffering and mutilation that has been caused by railway accidents during the last few months, and more especially during the last few days? I have further to ask if the attention of Her Majesty's Government has been directed to the matter with the hope and expectation of being able to devise a remedy, and to obtain information on the subject?

Mr. CARDWELL: Sir, the right hon. Gentleman does me no more than justice when he says that his question is one which I am capable of answering without notice. It so happens that before I had the honour of entering the Board of Trade for the fulfilment of my duties, it was my misfortune to be a witness of one of those railway catastrophes. On the very first day I entered the Board of Trade I had an opportunity of communicating privately with some of the railway authorities, and I requested of them to give their particular attention at once to a question so much raised after the melancholy accident in the vicinity of Oxford, namely, the establishment of a means of communication between the guard and driver. I believe that by the railway companies generally, and especially by Mr. Cubitt, the engineer of the Great Northern Railway Company, that subject is undergoing the most careful consideration. Afterwards I sent Captain Simmonds to France and Belgium to investigate the means of communication that have been adopted on their lines. The subject is undergoing the most careful consideration from the Board of Trade weekly, and I may almost say daily. The right hon. Gentleman is aware that the Committee is now sitting not merely on amalgamations, but on all subjects connected with railway communication; and it is my intention to bring Captain Simmonds before that Committee, and to lay before that Committee all the information I can procure.

CUSTOM-HOUSE—EXAMINATION OF PASSENGERS' BAGGAGE.

MR. JAMES MACGREGOR said, he put a question to the hon. Secretary for the Treasury, which he had placed on the paper for Friday last, namely—Whether the Lords of the Treasury would allow an examination to be made by the officers of Her Majesty's Customs, at the examination room at the London-bridge terminus of the South Eastern Railway, of the baggage of passengers leaving Paris for London by the 7. 30 p.m. train, and crossing from Calais to Dover by Her Majesty's mail packets, under such regulations as might be thought necessary for the protection of the revenue, with a view to the doing away with the inconvenience and detention now suffered by passengers when the voyage of the mail packet was so lengthened as to prevent that examination taking place at Dover in time for the passengers to leave thereafter by the train in correspondence with the mail packet which arrives in London at 7. 50 a.m.? He would observe that in 1847, when there was a prospect of the railway communication with Paris being opened, he waited on the French Government to inquire if they would allow the baggage of passengers arriving in France for Paris, to be examined there without detention at the port of Boulogne; his request was immediately acquiesced in. Now what he wished to know was, whether corresponding facilities could not be afforded here?

MR. J. WILSON: Sir, the question of which the hon. Gentleman gave notice, had reference exclusively to the night mail from Paris—departing from Paris at half-past seven o'clock, and arriving in London about eight o'clock in the morning. It is but fair, in justice to the Commissioners of Customs, to say, that it is their desire to afford the greatest possible facility to passengers. One of the arrangements that has been made by them in reference to this particular question is, that their officers should remain up all night, in order to examine the baggage at the station, prior to the departure of the mail train for London. I am further bound to say that it appears on inquiry, that the arrival of the boats, especially in winter, is very uncertain, and that, on the departure of the mail trains it frequently happens that passengers are left behind, and more frequently that their luggage is left behind. I have had a communication with the Commissioners of Customs on the matter, and, after consideration, they have made an arrangement to meet the difficulty. It is proposed, that officers of the Custom House shall be in attendance at the London Bridge station in order to meet the night mail train from Dover; but as it would frequently happen that the boat would arrive in Dover long before the departure of the train, passengers might complain that they had an hour to spend in Dover needlessly, and were again detained in London; it was therefore proposed, while facilities were afforded in London, that they should not take away the facilities in Dover. If the passenger arrives in time, his luggage will be examined in Dover, and if the time does not suit, the examination will take place in London. The officers in Dover will receive instructions to telegraph information on the departure of the train, so that the authorities in London may know whether the examination has taken place in Dover or not, so that if it has taken place in Dover it will not be necessary to detain the Custom House officers at the London Bridge stations. To enable the authorities to take the names of aliens it will be necessary that the ship list of passengers should be sent forward with the baggage.

PILOTAGE—THE MERCANTILE MARINE.

The House having gone into Committee,

Mr. CARDWELL said: Sir, in rising to move for leave to bring in a Bill to amend the law relating to Pilotage, I must, with the permission of the Committee, state what are the views of the Government with regard to the mercantile marine. In doing so it will be necessary for me to trespass to some extent on your time, for the subject is one on which the complaints and demands of the shipping interest have been divided into numerous details; but I shall endeavour to occupy as short a time as possible, and will not trespass on your patience by any needless observations or superfluous remarks. With regard to the present state and prosperity of the shipping interest, it cannot be necessary to occupy much of your time. It is well known to the Committee that if you test the present condition of the shipping interest by any of the tests which this House can apply to it—if you look to the aggregate amount of British tonnage entered inwards and cleared outwards, or the amount of tonnage that is owned in the ports of the British Empire, or the number of men that is employed in the mercantile marine, or the activity that prevails in all the great ports where the building of ships is carried on—if you measure the question by any one of those tests, they present to you but one uniform result—a result of unexampled prosperity. Sir, it is no part of my province—and certainly I shall not trespass into that ground—to account for this prosperity. Perhaps the time has come when I might enter into those topics without any fear of reawakening ancient controversies; but, irrespective of those controversies altogether, there are peculiar reasons which present themselves, and enter largely into the case; but whatever they may be, I shall not run any risk of awakening controversies on an occasion on which I am merely asking for permission to introduce a Bill, and may anticipate that request will receive the concurrence of the Committee. The Committee are well acquainted that from the time of the peace to the time of Mr. Huskisson, so far from there being an increase in the number of ships owned by the subjects of this country, there was a positive diminution, and also a diminution in the number of men employed. In 1815 the tonnage amounted to 2,681,000 tons; in 1825 it had fallen to 2,553,000, and the men had fallen in the same proportion. From the time of Mr. Huskisson down to the present, there is scarcely an instance that does not continuously show the opposite result; and if we compare the year that has just expired with the year 1849 we shall find that, while the total amount of British tonnage inwards and outwards amounted in 1849 to 8,152,000 tons, it amounted in 1852 to no less than 8,727,000 tons. And if you take the number of ships built in 1849, you will find them amount to 121,000 tons, while in 1852 they had risen to 167,000 tons. But is it only in material prosperity that the shipping interest has been elevated? The community is indebted to the right hon. Gentleman the Member for Taunton (Mr. Labouchere) for a measure of great importance, and which has tended greatly to elevate the character of the mercantile marine. I do not mean to say that the details of the measure may not be susceptible of improvement; that might naturally be expected when he had to deal for the first time with a question that involved such complicated arrangements; but I think if you look to the broad result, the House and the country have reason to be grateful to my right hon. Friend for the policy which he has mainly inaugurated. Let me ask you to look to the result of that important question—the examination of British masters and mates. It was painful to see during the discussion on the Navigation Laws, the reflections that were made on that hardworking body of our fellow-countrymen; but it appears that the total number of masters and mates that have obtained certificates of competence in two years, amounts to 5,069; and let me call your particular attention to this, that whereas my right hon. Friend had provided in respect to those that had already served, that they should not be obliged to pass an examination to obtain a certificate of competency, their certificate of service entitling them to the same privileges as those who had passed an examination, yet so great is the value set in the mercantile marine on the circumstance of having passed the examination, that out of this total number of 5,069 who obtained certificates of competency, no less than 1,879 had already obtained certificates of service, and need not have been subjected to examination.

Another feature was, that persons in the Queen's service voluntarily came in and subjected themselves to an examination for steam engines: this was a significant proof that the value of an examination was not exclusively confined to masters and mates in the merchant service, and showed the moral progress that is being made by our mercantile marine. My right hon. Friend, as it appears to me, most judiciously put an end to that baneful system which went by the name of the Merchant Seamen's Fund, from which in return for a compulsory tax they had a precarious provision for declining years, and also an insolvent fund; and I am happy to say that by the new arrangement that which was a complicated process works most agreeably under the officers appointed to manage it. There is now in progress a system for providing for the comforts of sailors in their declining years, and for administering to their material as well as to their moral necessities. There has grown up a system called a system for the establishment of sailors' homes, having comfortable accommodation, a registration, savings banks, and all other appliances calculated to secure the comfort of the seaman, and to elevate his character. With the permission of the Committee, I will read a short extract from the Report of the Liverpool Sailors' Home, with which I happen myself to be more particularly acquainted, having known it from the time it was founded, in the year 1846, by His Royal Highness Prince Albert, up to the present time. I think the Committee will listen with interest to a passage from the Report that describes its material progress:—

> "All seamen visiting this port have now not only the great advantages, hitherto presented to them under the temporary arrangements of the institution for the last seven years, of recording a good character, of depositing their money in safety, and of having it transmitted to any quarter they may desire; but they have now the opportunity afforded them of enjoying in this spacious and splendid establishment a degree of substantial comfort and security to which they have hitherto been strangers."

Schools were about to be established, and the savings bank was used to an increasing extent, the payments for the past year amounting to 3,302*l*. Now, Sir, I mention these things because in introducing this subject to the Committee it is right you should know what is the present state, both material and moral, of the different branches of the service to which my measure refers. I have endeavoured to compress this within the shortest space that would allow me to give an accurate view of the subject to which I wish to call attention. And now permit me to tell you what are the subjects which the Government have had under their consideration with regard to the mercantile marine. First, they have had under their consideration the question of lights; secondly, the question of passing tolls; thirdly, the restrictions that exist with respect to the manning of the mercantile marine; fourthly, the question of volunteering into the Navy; fifthly, salvage; sixthly, desertion; seventhly, the fees to consuls; and, eighthly, the question of pilotage. On every one of these subjects it will be my duty to trouble the Committee, but I shall do it as shortly as possible; and first of all I will enter upon that important subject of the light-duties. The complaint made by the mercantile marine is this: they say that under the system as it now exists in this country, dues are compulsorily levied on the mercantile marine, and disposed of by the independent action of a self-elected body, without being subject to the control of Parliament. That is a grievance of which the mercantile marine complains. To the principle involved in that complaint the Government, strictly and without reserve, subscribe, and I hope I shall satisfy you before I conclude that the object which the mercantile marine has in view will be efficiently and completely attained by the mode about to be proposed by Her Majesty's Government. Now let us bear in mind what is the history of this question. By the original law the erection of beacons, lighthouses, and signs of the sea, was part of the Royal Prerogative; but so long ago as the 8th of Elizabeth, the Trinity House at Deptford was entitled to exercise that power. The mode in which they proceeded was this: when the mercantile marine desired to erect lights they memorialised the Board of the Trinity House; they required them to advance their capital in erecting the light, and they agreed to contribute a certain toll as a remuneration for that outlay; and the usual provision was, that the surplus revenue should be employed for the purpose for which in part the Trinity House was incorporated, namely, for the relief of distressed persons engaged in the mercantile marine service. The practice has continued from that day to the present time. With regard to the lights in Scotland and Ireland, they are placed by statutory provision under two bodies, known as the Commissioners of Northern Lights, and the Ballast Board of Dublin. The Committee moved for by my hon. Friend (Mr. Hume), which sat in 1834, reported that the control over the lights of Scotland, and the harbour lights of England and Ireland, should be given to the Trinity House. Now the question is, how have the powers possessed by them been exercised?—have the lights of this country been efficient, and have the powers been exercised for the purposes for which they were given? In the year 1845 another Committee was presided over by my hon. Friend the Member for Montrose (Mr. Hume), whose services on this subject have been eminent and untiring; and that Committee had the satisfaction of reporting according to the evidence laid before them, that generally the public lights on the coasts of England, under the management of the Trinity House—on the coasts of Scotland, under the management of the Northern Commissioners in Edinburgh—and the lights on the coasts of Ireland, under the management of the Ballast Board in Dublin, were all maintained in an efficient state. I beg to read to the Committee the following passage from their Report:—

"Your Committee has the satisfaction of reporting that, according to the evidence before them, the public general lights on the coasts of England, under the management of the Trinity House in London; those on the coasts of Scotland, under the management of the Northern Commissioners in Edinburgh; and the lights on the coast of Ireland, under the management of the Ballast Board in Dublin, are all maintained in an efficient state. Among the witnesses, Captain Moore, who has been for twenty-three years in the trade between the United States of America and England, states that he considers the English lights, on the whole, better than those of the United States. Captain Washington, R. N., of the surveying department on the coast says that 'generally speaking the lights, light-vessels, buoys, and beacons are efficient; the lights brilliant, and the lighthouses clean, and in high order.' Captain Denham, R.N., also a marine surveyor, and long employed on the coasts, bears the same testimony to the efficiency of the lights of the United Kingdom. On the 19th of February, 1844, the secretary to the Trinity House in London, in a letter to the secretary of the Ballast Board of Dublin, 'expresses the great satisfaction with which the Trinity House had received the Report of their visiting Committee, and of the efficient state of the lighting apparatus throughout Ireland.' And, on the 21st of February, 1844, the secretary to the Trinity House, in a letter to the secretary of the Commissioners of Northern Lights states—'I have it in command to request you will express to the Commissioners the satisfaction of the elder brethren at being enabled to communicate that the lamps and entire apparatus were found to be in perfect and efficient order throughout the lighthouses in that part of the United Kingdom.'"

Now, Sir, those were the opinions which the Committee thought it only due to those bodies to place emphatically on record. But, Sir, it is some time since 1845, and the Committee will naturally ask, are you in possession of any evidence with regard to the present state of the lights of the United Kingdom, and can you show from unimpeachable testimony the state they have been in down to a later period? Now, Sir, who are our great rivals in maritime supremacy, and to whose example or authority do we appeal when we desire to see whether our institutions are in a sound and efficient state? Sir, in all matters of material prosperity and maritime supremacy, if we seek for a rival amongst other nations, the palm will undoubtedly be assigned to our competitors in the United States; and certainly, in the Committee of 1845, the comparison that ran through the minds of its Members was, as my hon. Friend the Member for Montrose will remember, a comparison chiefly between Great Britain and the United States. In the year 1851, a Board of Inquiry was ordered by the American Government to inquire into the condition of the lighthouse establishments of the United States, and in the year 1852 their Report was laid before the Senate. The Committee will naturally be very anxious to hear what they say about the lights in Great Britain; and I beg to call attention to a remarkable passage in their Report, which finds fault with the system as it exists in the United States, and quotes for emulation by the United States the example of Great Britain. The following is the passage to which I beg to call the attention of the Committee:—

"That the lights of the United States do not compare favourably, either in efficiency or in economy, with those of Great Britain and France. In the Trinity House corporation of London, the important subjects of experimenting upon different descriptions of combustibles for lighthouses, testing the mathematical perfection of apparatus, investigating the important subject of ventilation, &c., are confided to the world-renowned Michael Faraday; upon the subject of construction and its accessories, Mr. James Walker, a distinguished civil engineer, is employed. In Scotland the lights and other aids to navigation are under the immediate direction and superintendence of the able and distinguished engineer, Mr. Alan Stephenson. In Ireland also the lights are in charge of a competent engineer, Mr. George Halpin. . . . To expect that our lights should compare in point of excellence and economy with systems so constituted as those named, would be to expect order out of anarchy and confusion, and perfection out of such various and imperfect elements."

With respect to our success under that system, whatever may be its faults, which we have hitherto pursued, this is the testimony of your great rivals — rivals in everything that tends to maritime successes; and they consider that to expect their lights to compare with your lights would be to expect order out of confusion, and perfection out of imperfect elements. A prejudice has prevailed with regard to the application of the funds of the Trinity House; and no person who hears me can fail to have heard remarks made with respect to the enormous receipts paid into their coffers, and doubts expressed as to the mode in which they have been employed. It is very natural that where there is no system of perfect control in reference to the accounts, there should be misapprehension and misconstruction, and I am not making any complaint that those impressions should prevail; but let me ask of the Committee to consider the real circumstances of the case. In the year 1836 you imposed upon the corporation of the Trinity House the necessity of purchasing a great number of private lighthouses, and incurring an expenditure which amounts on the whole to no less than 1,125,000*l.* During the interval that has elapsed since 1836, they have not been occupied, with regard to their surplus revenues, either in funding them for their own benefit, or in distributing them in some improper channel; but what are the facts? That money has been applied for the purpose of liquidating the debt which you imposed upon them; and the debt in 1836 of 1,125,000*l.* has been reduced to 97,500*l.* It should also be recollected that the differential dues, abolished by the reciprocity treaty, have been compensated for to private individuals out of the tolls paid by the mercantile marine; that, at least, is no fault of the corporation; it may have been wrong or it may have been right, but justice requires that this should be stated, because it is the truth. Concurrently with this reduction of debt, there has been the following reduction of light-dues. In 1849 there was a reduction that by estimate amounted to 80,000*l.*, and in 1852 there was a reduction of 38,000*l.*; and without entering into details at the present moment, I have the pleasure of informing the Committee that I do not think the budget of reductions has been exhausted. Then comes the question to which, with the permission of the Committee, I will apply myself, namely, what is the proper mode of providing that the mercantile marine shall have those advantages of control over receipts and expenditure, and the accountability and responsibility to Parliament, which the mercantile interest, justly in our opinion, think they are entitled to? My hon. Friend the Member for Montrose considered the constitution of the Trinity House in two Committees, and here is the recommendation that was given by the Committee that sat in 1834:—

> "Your Committee recommend one board resident in London. The constitution of the (Trinity House) board is that of self-election, and your Committee have been anxious to ascertain whether any and what constituency could be obtained to give the board a more liberal character; but they have been unable to find out any proper constituency, and do not at present see how they can recommend any great alteration. Upon the whole, your Committee are of opinion that the Corporation of the Trinity House, of Deptford Strond, having been chartered 'for the good government and increase of navigation,' and the office of buoyage and beaconage having been granted to that body upon the surrender thereof by the Lord High Admiral, and the greater part of the lighthouses in England having been erected, and being now maintained by that Corporation, and this Committee being satisfied, after inquiring into the lights now under their charge, that the said Corporation are well calculated, after some modification in the regulations under which they admit their members, to have the management and control of the whole department of lights, recommend that all general public lights in the United Kingdom be placed under the management of the said Corporation."

Again, in 1845, there was a Committee over which my hon. Friend again presided, and a recommendation was made that there should be only "One board resident in London, and that that central board should be the Trinity Board, and that, in future, one-third of the members of the Trinity Board should be nominated by the Crown." The Government have carefully considered the proposition for having a central body in London, consisting of the Trinity House, with one-third of its Members appointed by the Crown. It is their opinion that the mercantile marine is entitled to an efficient control over receipts and expenditure, by having them submitted to some person whose situation, in connexion with the Executive, would make him directly responsible to Parliament. We think, however, there are objections to the proposal to consolidate the lights of Scotland and Ireland under the management of the Trinity

House, because it would be an unhandsome return to the Commissioners who act gratuitously in Scotland, and because it would raise in Ireland an impression with regard to centralisation which we have no desire to give any suspicion of in regard to our arrangements. Then with regard to the composition of the Trinity House, the power of nominating one-third of the elder brethren by the Crown would confer patronage on the Crown, but leave its nominees in a minority of one to two within the walls, and it might have a great tendency to create what is always most undesirable in any governing body—a needless hostility between those who owe their seats to one mode of election, and those who owe it to another. It is, therefore, desirable that these three light-managing bodies should not be changed in their constitution, but should be placed under the control of an authority responsible to Parliament for all their receipts and expenditure; and therefore this House, acting directly on the Executive Government, will virtually exercise that control which my hon. Friend (Mr. Hume) stated ought to be exercised on behalf of the mercantile marine; and I venture to say that this is a more constitutional and efficient control than could be attained by any partial change in those bodies. Those being the views of the Government, they were communicated to the Trinity House; and they returned an answer which I shall lay on the table of the House—an answer agreed to unanimously by the Trinity House, and signed by the Master of the Trinity House, His Royal Highness the Prince Consort. What the Government desired was—

> 1, "To establish a control by Government authorities directly responsible to Parliament over the expenditure and application of these revenues; 2, to institute a periodical audit of the accounts connected with the receipt and expenditure of the said revenues; and, 3, to suspend the granting of new pensions or charities which have been hitherto dispensed by the corporation from these revenues in virtue of, and in compliance with, the several charters and patents which they hold from the Crown, and of Acts passed by the Parliament of the United Kingdom."

The Trinity House authorities were pleased to state their entire acquiescence in the first two propositions; but prayed that the Government would not press the third, urging the legal and moral claims of destitute, aged, or disabled seamen to some relief from the revenues arising from lighthouses, beaconage, buoyage, and ballastage. The letter then proceeds to say—

> "The Court of Elder Brethren feel that they stand in the position of trustees in behalf, and guardians of the rights of these poor men, their widows, and orphans, to the extent at least of their claims on the revenues received by the corporation under their several charters, Acts of Parliament, and patents, and that it is their duty not to abandon their cause, but to use every proper and legitimate means to bring it under the notice and favourable consideration of Her Majesty's Government. If, after the facts and arguments which it may be necessary for the corporation to bring under the consideration of Her Majesty's Government, they should adhere to their opinion in respect of these charities, it will be the duty of the Trinity House to submit to such high authority; and in the mean time, until this important question is finally decided, the Court will abstain from making any addition to the present list of pensioners."

The Government sent another communication to the Trinity House, in which it signified its acquiescence in the first two suggestions of the Corporation; but declared, with respect to the third, that whatever might have been the origin of the charitable administration, the time had now arrived when, from the increase of commerce, and the change in practice and feeling in such matters, it must be abolished, and the mercantile marine relieved from the payment of any money for light-dues but what should be expended on lights. The reply of the Government was in the following terms:—

> "Board of Trade, Feb. 16.
>
> "Sir—The letter which your Royal Highness, as Master of the Trinity House, has done me the honour to address to me, I have laid before Her Majesty's Government. It is very satisfactory to the Government, and, in their opinion, highly honourable to the ancient corporation of the Trinity House, that the Elder Brethren have shown so perfect a willingness to adopt the views which their sense of public duty has led Her Majesty's Government to suggest. The principles which regulate the receipt, control, and expenditure of moneys compulsorily levied upon the public for the general purposes of the community will henceforth be applied to the sums payable to the Trinity House for lights, buoys, beacons, ballastage—in short, to all sums without exception levied upon and paid by the mercantile marine. The gross receipts will be carried to a separate account at the Bank of England, from which no payment can be made except by the authority of a department of Her Majesty's Government responsible to the Houses of Parliament. The accounts will be regularly forwarded to the Board of Trade, and thence, after examination, will be transmitted to the Commissioners of Audit. A full statement of the accounts of the past year will be regularly laid before Parliament. The provision of the statute 6 & 7 Will. chap. 79, for reducing the dues upon the requisition of the Sovereign in Council, will at all times be carried into effect so soon as, in the opinion of Her Majesty's Government, the state of the funds will admit, without

any regard to any consideration whatever except to the efficiency of the several services for which those dues are levied. It appears to Her Majesty's Government that the mercantile marine is justly entitled to these advantages, and that the scheme proposed by the Trinity House will secure them. The Government will not fail to give a full and impartial consideration to the grounds which the Trinity House proposes to lay before them for continuing the pensions and charities; but, while it would be manifestly unjust in the highest degree to deprive any individual of an advantage legally conferred upon him under the system which has hitherto prevailed, they are glad to observe that the Trinity House have consented to acquiesce in their views, if they shall adhere to their opinion, and that in the meanwhile the Trinity House undertake to abstain from making any addition to the list.—I have, &c.

"EDWARD CARDWELL."

It is very natural that the Trinity Corporation, acting as trustees, should press for the retention of the privilege they enjoy; but, in vindication of the course taken by Government, I must refer to the vote of the Select Committee on Foreign Trade as long ago as 1822, which recommended the abolition of these charitable disbursements. At that time the Trinity House took the opinion of the Attorney and Solicitor General on the subject, and those functionaries declared that they had a right to make the disbursements. No doubt that right belonged to them as long as their charter remained unaltered. No one charged the corporation with a dereliction of duty in acting as they did, as long as Parliament allowed the trust to continue. In 1824 a Committee again renewed the question, and, having before them the opinion of the Attorney and Solicitor General, stated it had been obtained under a mistaken impression, the Committee objecting "not to the distribution, but the principle," and they wished for the reduction—

> "That the Trinity Corporation might be better enabled to conform to the principle upon which alone the right of collecting for the lights appeared to them to be founded—that of providing for the expenses of the lights, and the security and accommodation of the commerce of the country derived from their maintenance."

The Committee were now in possession of the views of the Government upon this point, but before passing from this part of the subject, I cannot avoid paying a tribute of admiration to the spirit in which the Government has been met. I have referred to the Master of the Trinity House. Let me now acknowledge the obligations of the Government to the Deputy Master and Elder Brethren for the sincere spirit with which they have endeavoured to reconcile the discharge of their important duties with their sense of the public requirements and the national benefit. And let me ask you to enter upon the assumption of this control in a similar spirit of confidence and sincerity. Now, I have said nothing on the subject of harbour lights in all this, because those lights are very numerous, and are mixed up in most cases with other funds. If we do not intend by the Bill to deal with the harbour lights, it is not because we wish that anything should remain improper or inconsistent with regard to them, but it is because it does not belong to the regulation of the Imperial lights of the Kingdom. There is a connexion, however, between the harbour lights and the next subject, to which I wish to call the attention of the Committee. That subject is one of much more difficulty than has been commonly supposed. It is known as the question of passing tolls; but it was much more accurately described by the right hon. Gentleman opposite (Mr. Disraeli), when, in making his financial statement, he laid it down as a rule that the taxes on shipping should be confined to those payments in return for which the shipping received a benefit—a canon to which I cordially subscribe. But I want to draw the attention of the Committee to some of the details of the question connected with this subject of passing tolls. I think it would be unfair in the highest degree to suppose that the right hon. Gentleman opposite would think of charging those tolls on the Consolidated Fund, if he was in possession of all the information appertaining to the subject. The present Government are in possession of information which was not before the late Government. The late Government appointed Captain Veitch to inquire into the subject of passing tolls, and since the change of Government that officer has made his Report. Captain Veitch's Report contained the following passage:—

> "There is already a duty of 2*s*. per ton on coal levied by the town of Ramsgate under its Police Act of 1838, which ought to be repealed, as the harbour trust having, at the public cost, built a fine harbour and wet dock and landing quays, it seems monstrous that the town of Ramsgate should impose a toll on unloading coals on the quays of the trust to maintain the police, lighting, and paving of the town, the cost of which ought clearly to have been raised by a rate on the householders;" and he submits "that, prior to granting Parliamentary aid to the other three ports abovenamed, a preliminary inquiry be made into their respective circumstances.'"

Surely no one, with this information before him, would recommend that the local rates of Ramsgate should be borne by the general taxpayers of this Kingdom. I think we ought to know the whole truth before we assent to such a proposition. Now, I had a visit from two Gentlemen—the noble Lord the Member for Scarborough (the Earl of Mulgrave), and the hon. Member for Whitby (Mr. Stephenson), and they said there is a private Bill before Parliament for abolishing what is called the passing toll of Whitby. That Bill, they said, was promoted by the people of Newcastle-upon-Tyne and Sunderland, upon the ground that such a toll is inconsistent with public policy, and unjust. The noble Lord and the hon. Member say it may be inconsistent with public policy, but considering we have a Parliamentary title of 150 years' standing, that is a matter for Parliament; and they say it may be unjust, but considering the people of Newcastle levy a tonnage rate of six times the amount on the export of coals from their own river for the support of their borough fund, we do not exactly see the justice of their demand. Now, observe the position in which you stand. These tolls are not tolls exclusively upon the ship, but tolls, in many cases, on goods carried in the ship. Is that a tax on the shipowner or on the coal consumer, or is it a mixed tax shared by both? If it be a tax on the shipowner, then the coal is taxed at the port it leaves, at the port by which it passes, and at the port to which it comes. But can you draw a distinct line of demarcation between the cases of such ports as these, and the cases contained in the two voluminous returns which my hon. Friend the Member for Montrose, first, in 1845, and again in 1846, laid on the table of this House? This being the state of the case, it is necessary to have more complete inquiry into the circumstances. On the one side, we have the principle that no tax shall be levied for which no corresponding benefit is conferred; on the other side, as regarded Whitby, we have an Act of Parliament of 150 years' standing. I say, therefore, it is necessary to have a more complete inquiry before we can decide on this question, and before we can place this charge on the Consolidated Fund. And when we talk about "injured interests," let me say one word about that "injured interest," the Consolidated Fund. The Consolidated Fund is an aggregate of the hard-earned taxes of the people of this country; and by a return of last year it appears that the Consolidated Fund has already paid an aggregate of 802,000*l.* for various local dues, and the annual charge upon that fund is now 39,000*l.* Under these circumstances the Government intend to institute such an inquiry as that to which I have referred. But there is another reason why inquiry should become, if not necessary, at least desirable. There is a grievance to which the mercantile marine is subject, and from which they desire to be relieved, and that is the reluctance on the part of some important foreign Powers to reciprocate the great concessions which we made to them when we lowered our tariff, and particularly when we repealed our Navigation Laws. It might have been hoped, considering the magnitude of the concessions we made, and the small burden in proportion which our local taxation imposed on the mercantile marine, that it would have led to the removal of all complaints on this head; but it is my duty to state that this is one of the great difficulties experienced in the negotiations which we are carrying on, and that it will be necessary, before these difficulties are removed, to have careful and cautious inquiry. I have now stated the views which the Government entertain with regard to the questions of lights and harbours, whether they be harbour lights or other dues. For the first there will be a complete Parliamentary control, and for the second a complete investigation and inquiry. I will now proceed to touch upon the Admiralty question. First comes the question whether it is expedient that we should continue to maintain that restriction which requires a British crew to consist of three parts British subjects, and only one part foreign. The advocates of a continuance of that restriction say, "Look at the returns and you will find that there can be no great advantage in employing foreigners, because the privilege which now exists is by no means appreciated, and the average of foreign seamen employed in British ships does not practically come up to the one-fourth which the law allowed." It is manifest that that is no answer to the case, because the object is to have the choice of employing foreign or British seamen in such proportions as may be thought necessary. The right hon. Gentleman the late Chancellor of the Exchequer spoke of these restrictions as indefensible on principle, and that the time could not be long within which they must be abolished; and I was present at a debate at which one of the right hon. Gentleman's Colleagues in the late Ministry, the hon. Member for Colchester (Lord J. Manners) said he thought they ought to put an end to these restrictions, which he described as a sensible obstruction to the interests of the mercantile marine. I doubt very much whether the time ever was when this regulation presented so sensible an obstruction as at the present time. I have here a letter from the Peninsular and Oriental Company to the Secretary of the Admiralty, in which they say that it is not now a question of freight at all, but it has become a question whether you can have ships and sailors; for at the present moment ships and sailors, whether British or foreign, were not to be got to the extent to which they were required. I have just received from our Consul at Christiana a letter dated 6th December, in which he says—

> "It has been asserted that Norwegian vessels are navigated much cheaper than British, the master and men being less paid and still worse fed. These assertions are as incorrect and founded upon as frail authority as that vessels can be built for *5l.* a ton, because the official estimate values the commercial marine of the country at that rate. The fact is the reverse—the Norwegian master is generally better paid and the crew better fed than the British."

Now, whether this is true or not, it is the opinion, at all events, of a competent witness, and is certainly calculated to assuage the alarm of those who were afraid lest the interests of the British sailor would suffer by the change. Now, after the observations I have made, the Committee will be prepared to be told that the Government do not propose to retain such a restriction. I well remember the noble Lord the Member for the City of London saying that protection was the bane of agriculture. I hope the time will come when everybody will believe that to British seamanship, as well as to British shipowning and British shipbuilding, you may with safety apply the maxim of free intercourse, and that neither on behalf of the one nor of the other is there any reason for British seamen to fear equal competition. The next question relates to the system of volunteering into the Navy. I think it would be a great discouragement to British subjects to go on board of ship if they heard in whatever part of the world they might be—if they should chance to happen to have ever so tyrannical a master—if their diet was ever so insufficient—or their condition ever so undesirable—that there was no hope of relief for them until the completion of the voyage; and I think some right of appeal to a British authority may be safely given to a person usually so poor and defenceless as the British seaman. I will here relate an anecdote which ought to be known for the honour of the Queen's service. The difficulties that are felt in Australia at the present moment must be familiar to the minds of every Gentleman in this House connected with the business of shipowning. Those difficulties were felt three years ago in California; and what was done by a British officer? On the 4th of October, 1849, Captain Shepherd, of the *Inconstant*, arrived at San Francisco, and immediately wrote to the British Vice-consul, expressing his readiness to afford assistance to British interests, &c. At the same time, he sent an officer on board all the British ships in port, to ascertain their condition and wants, and to desire the masters to apply direct to him for such assistance as they might require. In his letter to Admiral Hornby he stated that—

> "By the 7th of October I had ascertained that out of twenty British vessels lying at this port, but four barks, abandoned by their crews, required the aid of hands to navigate them to Valparaiso, while the remainder were either not yet discharged, chartered, or stationary; those ships being manned with Lascars, or crews hired at high wages for short voyages. Having determined upon taking those four vessels on hand, I caused them to be brought down, fitted for sea, manned with forty-one officers and men from the *Inconstant*, and they were clear off the port, on their way to Valparaiso, by the 16th."

I only mention this circumstance in order that you may see that there are two sides to this as to every other question. Was it unjust, was it inconsistent with an enlarged view of the interest of the shipowner himself, that Captain Shepherd should be permitted to obtain from vessels who could spare them the forty-one men with whom he had parted, for the relief of vessels in urgent distress? While, however, the Government do not intend entirely to abolish the power in question, they do intend to bring in enactments on the subject to provide that if positive and pecuniary loss arise to the shipowner in consequence of such volunteering, it is proposed that he shall be entitled to receive compensation out of the funds of the Admiralty. Thus both the seamen and the shipowner will have justice done them. Then I next approach the question of salvage. There are persons who think that the right of salvage in regard to the Queen's service ought to be entirely abolished. I hold it to be no disparagement to that service that the entire removal from them of everything in the nature of reward in cases of help afforded in cases of extreme hardship, would be regarded by them as a great injustice. Lord Tenterden, the great legal authority, says the law of Great Britain is more liberal than that of Europe generally upon this subject. The Admiralty regulations laid it down that before any officer could raise a claim for salvage, he must have rendered really important service, or service accompanied with hazard, otherwise that claim was not to be attended to. But there is a grievance connected with this subject, and that is the peremptory lien which the law gives upon a ship in such cases, and which enables them to detain it at a vast cost in a distant port. On this point I am authorised to state, on the part of my right hon. Friend the First Lord of the Admiralty, that arrangements are in preparation by which, in cases of this nature, the lien may be released, and the case transmitted to the Judge of the Admiralty Court in London, instead of detaining the ship in a foreign port. I may be told as I have been by a deputation, that the jurisdiction of the Admiralty Court was objected to, and that the Board of Trade would be preferred for the adjudication of such questions. I confess that I feel much obliged to those parties for the compliment they paid to the department with which I am connected. But when I consider that Lord Stowell once presided over that Court, and that it is now presided over by Dr. Lushington, I think we should have been very presumptuous to have taken the advice of that deputation. I must also add that after the announcement which has been made by the Law Officers of the Crown as to the intended reform of the Ecclesiastical Courts, there can be little doubt that, if the Admiralty Court requires amendment, it will be very sure to be attended to. I come next to the case of desertion; and there again, I say, clauses are in preparation which are intended to remedy those difficulties under which the shipowners labour in Australia by reason of the desertion of their men in quest of gold in that Colony. That question then will in a short time be dealt with by the Government. I next come to the question of consular fees. There must be some erroneous impressions on the subject of consular fees. They are all regulated by Act of Parliament, in conformity with the Report of a Committee on the subject. I find that the consuls' payments from the Consolidated Fund amount to 105,000*l.*, and the fees to 27,000. I have been told that in one department a consul had received the enormous sum of 5,000*l.* in fees; but on inquiry at the Foreign Office, I find that one-tenth of that sum would have been nearer the truth. It is true, however, that recent amendments of the Mercantile Marine Act have thrown additional duties on consuls in foreign ports. This subject, however, is one which rests entirely with the Foreign Office. I have had an interview with the noble Lord the Secretary of State for Foreign Affairs on the subject; the noble Lord entered very readily into the spirit in which the complaints had been made, and I hope, therefore, that the shipping interest will be satisfied that there is no indisposition on the part of the Government to do what is just with respect to the subject of consuls' fees. There is another little matter, which I believe is not made much of by the shipping interest, and that is the right of sending home from Queen's ships invalids in merchant vessels under the terms of the Act of Parliament, instead of by contracting for them. It is intended by the Government to make an arrangement in favour of the mercantile marine, and to place the sailor in this respect on the same footing as the soldier now stands.

I now come to the question of Pilotage. The right hon. Gentleman opposite (Mr. Disraeli) announced to the House the intention of her Majesty's late Government to appoint a Committee to inquire into this subject, justly thinking that an inquiry was needed before any effectual legislation could be adopted for the purpose of meeting the numerous grievances alleged on this subject. I am not sure that I know with perfect accuracy how many separate pilot jurisdictions there are in the three Kingdoms. I have had a list transmitted to me of between fifty and sixty of them. I venture to submit to this House, however, that its past experience with respect to Committees of Inquiry has not been so entirely satisfactory upon the subject of pilotage as that we ought to confine ourselves exclusively to that mode of investigation. So long ago as 1835 the late Sir Robert Peel appointed a Commission to investigate the subject. That Commission was composed of many eminent men, and there were among them those to whom certainly it could not be imputed that they were rash, or ready to recommend precipitate steps on the subject. I find among the names of the Commissioners those of Lord Lonsdale, the late Marquess of Bute, Sir John Hardy, Mr. Robinson, Mr. Chapman. If inquiry is necessary in the case of some of the ports, it cannot be denied that with respect to some others we have ample evidence to warrant us in proceeding at once. What are the grievances, for instance, of the port of London? The right hon. Gentleman (Mr. Disraeli) justly treated in a vein of ridicule the idea that a person who was competent to navigate a ship up the river was incompetent to navigate the same ship down the river, or that a person who was competent to navigate a ship down, could not be trusted with her up the river. I am told, however, that there is some difference between navigating a ship up and down the river. Be this as it may, I think that he who would trust his ship to the care of a man who could navigate his ship down the river, and was not able to navigate it up, would certainly be a rash man. There is no doubt, however, that this system leads to higher charges, and to the employment of two persons to do the work of one; it leads also to a want of uniformity of system in the control over the pilots. Her Majesty's Government fully subscribe to the opinion that control over the pilotage is necessarily a local matter, and that it should be left, as far as possible, to local control. That is no reason, however, why the Government should not confer upon the Trinity House pilot or the Cinque Port pilot, who has navigated a ship either down the river or from Dungeness Point, the power of taking a ship back, instead of travelling home by land. In the Bill which I have to submit to the Committee, the vested rights of the pilots are carefully preserved, and neither in their superannuation funds nor in any other of their rights will the slightest invasion of the rights of justice be made. The principle laid down in the Bill is that of local jurisdiction. I will ask those who represent the interests of the Cinque Ports to what commerce it is that they lay claim to the rights of pilotage? Is it not the great commerce of the City of London? and ought not, therefore, the London jurisdiction to prevail? We propose, then, in this Bill, while preserving all the rights of the existing bodies of pilots, to amalgamate the two bodies, and place them entirely under the same control as that of the London pilots. Let us take the next great port—the Mersey. Lord Lonsdale, one of the Commissioners appointed by Sir Robert Peel, in his Report to which I have alluded, states that—

> "The consequence of the system has been to enhance the value of the pilots' vessels from 1,200*l.* to 1,400*l.*, their original cost, to between 4,000*l.* and 5,000*l.* and even more."

The Commissioners then proceed to notice the burdens levied on the shipping interest:—

> "The third head applies principally to Liverpool, where coasters above 100 tons burden, or vessels which have not been employed in that trade for six months, are subject to pilotage, although it appears that they were formerly exempt; and it also applies to the ports of Ireland. In most other ports coasters are free, and as their masters are generally good pilots for the places which they frequent, we consider that such vessels should be placed on the same footing throughout the United Kingdom, and be everywhere exonerated from the obligation to employ a pilot."

And after speaking of the hardship on steam companies of being compelled to pay pilotage every time, they state that in the instance of one Steam Boat Company the charges for pilotage for one year were not less than 2,890*l.* for the two ports of London and Liverpool. The Report on this port concludes by stating—

> "As this, however, is a question involving not merely the risk of property to an immense amount, but, still more, the valuable lives of hundreds who daily embark in this class of vessels, we conceive that some regulation is absolutely necessary, as well for the ports in which steam vessels, trading as coasters, are now exempt, as in those in which they are at present compelled to take a pilot; and this becomes the more necessary as steam navigation is so rapidly increasing both in extent and importance."

In 1849 the right hon. Member for Taunton (Mr. Labouchere) brought in, and carried through the House, a Bill by which the pilot authorities were empowered to confer upon masters and mates the power to pilot their vessels, after examination and the grant of a certificate of competence. No persuasion, however, could induce the pilot authorities of Liverpool to exercise this power, and to examine masters with respect to their competence. It is true that they made an offer to exempt them from some of the contributions in respect to pilotage which other people paid; but when that offer came to be submitted to the Law Officers of the Crown, it was found that such exemption was against the provisions of the local Acts of Liverpool. The authorities, however, have not attempted to bring in any Bill to amend their Acts, to enable them to carry out their offer. We propose in this Bill to take away from the authorities the disqualification which their Act places upon them, and thus open a door by which justice can fairly be done; but we intend to take care that the authorities shall avail themselves of this opportunity of so doing, and I shall ask the House to confer upon the Board of Trade powers in certain cases to enforce examinations when such a course is not adopted by the authorities. We will take care, if local bodies are deaf to all remonstrance, and will not listen to complaints made to them, that there shall be another power which shall compel them to do justice. The Government desire nothing so little as centralisation in this matter. They desire to leave the powers to be exercised by the local authorities; and, as they think there must be a remedy for an acknowledged grievance, they will ask for an overriding power to override these and all other similar local Acts, in order that the local bodies may be enabled to make concessions to the mercantile marine. I come now to the third port—the Severn. The corporation of Bristol, in 1809, obtained an Act conferring upon them the power of licensing pilots for all vessels navigating the Severn. Since that period, however, great alterations have taken place. Newport, Cardigan, Swansea, and Gloucester have become great ports, some of them not even inferior to that of Bristol, and those ports feel greatly the tax imposed upon them by being compelled to employ Bristol pilots. The jurisdiction of the corporation extends to all ports and places in the Bristol Channel as low as Lundy Island. The just request of the ports to which I have alluded is, that they may be independent of the Bristol establishment, as they represent that they have a commerce fully equal to that of Bristol. Great care must be taken by the authorities against the inconveniences which may arise from different sets of pilots belonging to these several ports, and the difficulties which may arise from not knowing to what port a ship may belong upon its arriving, or in bad weather the inconvenience which would result from checking the zeal of the pilots, who would not be sure of finding that the first on board would be employed. There are difficulties connected with this port which do not occur in the cases of the Mersey and the Thames, and which require, consequently, a considerable amount of investigation. I cordially subscribe to the opinion of the right hon. Member (Mr. Disraeli) that an inquiry of a most extensive description is required on the subject of pilotage. I have, it must be remembered, only dealt with a few of the greater and more salient points; there are many other grievances alleged, of which, in each particular case, I do not consider myself a competent judge. There are complaints, in many cases, that the rates of pilotage are extremely high, and the remuneration excessive. The question, however, which remains to be dealt with is, how can that inquiry be best instituted? With respect to Committees of this House, he would certainly be an ambitious Member who would enter upon the investigation of these innumerable local jurisdictions with any idea that between the present time and the prorogation of Parliament he would be able to bring the inquiry to a conclusion. Having before me also the Report of the Commission conducted by such able men as those to whom I have referred, I am not inclined again to resort to a Commission for the purpose of inquiry. By the aid of the officers placed in the mercantile marine department, under the Bill of the right hon. Member for Taunton (Mr. Labouchere), we intend to construct a schedule which I propose to insert in the Bill, calling upon every pilotage board in the kingdom for complete Returns; and there are also provisions in the Bill to ensure the making of those Returns, which will not, I think, be found inefficacious for the purpose. We propose to have sent to the Board of Trade, to be placed before the House of Commons, all the by-laws, regulations, and qualifications of pilots, their numbers, remuneration, and other particulars, by which means, I trust, we shall create, not a temporary but permanent inquiry, capable of supervision, but self-acting and stringent in its character. We do not propose, however, to stop there. We will not be deterred by any impediment in any local Act. There will be in the Bill one overriding power of reform and inquiry over all existing Acts; and we shall throw upon every pilotage board in the kingdom the necessity of coming to Parliament with the information required, and with public responsibility upon them, and we may, I think, assume that by this time next year we shall have a full and complete account before us of the state of those bodies. Let us now apply the provisions of this Bill to the case of the Severn port. In this case there are physical as well as legal difficulties to contend with. I have reason to believe that different plans of reform are urged by different individuals; but all agree in the opinion that some improvement is absolutely necessary and urgently called for with respect to this port. I have asked the Committee to give to the Queen in Council, that is to say, the Board of Trade, powers, not of a compulsory, but of a mediatorial character, and capable of exercising a strong moral compulsion. I thought it would be too strong a measure to apply in the first instance for compulsory powers, but if you clothe us with the proposed mediatorial power, I will show you how it will be exercised in the case of the Severn ports. There is, fortunately, now in the Board of Trade a gentleman not only of the highest eminence in his profession, but a man who, of all others, is best acquainted with the navigation of the Severn, Captain Beechey. If I possessed the mediatorial power referred to, I would request that gentleman to go down to the Severn and investigate on the spot all the affairs of these public bodies. I have no reason to suppose that any person will refuse to comply with his suggestions; but I will ask you to assume such a case. Under the first provision of the Bill they will be required to transmit to the Board of Trade such information as may enable us to judge of their present condition; and under the second they will, upon refusing to afford this information, be treated as recalcitrant bodies. Naked and defenceless they will stand before you, exposed to the consequences with which you may think fit to visit them. I think no one can impugn the moderation of these proposals. We have insured, I think, an inquiry far more efficacious, and of a recurrent form, than any which could be obtained by means of a Committee. This being my view of the policy of the case, I propose that you should give me your permission to introduce a Bill to amend the law with respect to the pilotage of the country. I perceive that a noble Lord (Lord Colchester) connected with the office which I have now the honour to hold, under the late Government, put a question in another place to the Government with respect to the consolidation of the laws of the mercantile marine. I think it must be obvious to the Committee that if you were to attempt now to consolidate all the existing laws in a few months, when you shall have enacted these changes, you would be called upon to repeal that consolidated law. I therefore invite your calm and indulgent attention to the nature of the proposals with respect to the light-dues, manning, volunteering, salvage, pilotage, and other important subjects connected with our mercantile marine, which I have now submitted to the Committee. I ought to state that a reduction of 25 per cent in the rates of pilotage of vessels in the port of London will be very speedily effected, while the pilotage of vessels tugged by steamboats will be raised from one-third to one-fourth, if the propositions of this Bill are carried out. I have now concluded the task which the indulgence of the Committee has permitted me to discharge. The propositions which I have submitted are unambitious in their character; but I believe that many of the changes proposed will result in much practical good, and at least I can tell you that you are making no surrender by adopting them, to political pressure, nor making any abnormal concessions to the exigencies of a suffering interest. On the contrary, you are invited to legislate at a time of unprecedented prosperity, and Her Majesty's Government only ask you to give effect to what are their sincere convictions. You are asked to take another step in the course begun by Huskisson, and continued by Peel; and in the name of British enterprise we defy competition, from whatever quarter it may come, believing, sincerely believing, that in proportion as you retain your place in the vanguard of commercial freedom, in that same proportion will you maintain the pre-eminence which you have earned both in mercantile prosperity and maritime power. I therefore beg to place in the Chairman's hands the Resolution of which I have given notice, and that he be instructed to ask leave to bring in a Bill on this subject.

MR. HUME said, that although he had not come to the same conclusion as his right hon. Friend, yet he thought the Committee was greatly indebted to his right hon. Friend for the clear and comprehensive manner in which he had dealt with this subject. He (Mr. Hume) augured well from it for those reforms of which he individually had so long been the advocate. He would admit that no public body ever passed through a stricter ordeal than the Trinity Board before the Committee of

1834, and he would admit that they had performed their duties with credit to themselves; but he differed from them as to the principle upon which the lighthouse system had been conducted. The mercantile navy of the United States was not subject to any charge whatever for lighting; and he thought that not one farthing should be raised on the shipping for such a purpose. As the weight and pressure of indirect taxation was admitted to be a grievous burden upon the consumer, so every tax laid upon the shipowner was, indirectly, a burden upon the consumer, which he was compelled to pay in the shape of increased prices. He wished a better system to be adopted. Shipping, being the means by which goods were carried, ought in his view to be exempted from the charges to which it was subjected; and if taxation were required to pay for lights, let it be levied, not upon the shipping, but upon the goods brought by the shipping as they were landed on the wharf. This was a reform which he hoped ere long to see carried. But still his own view was, and he had no hesitation in giving expression to it, that light-dues ought to be entirely abolished, and the burden placed upon the shoulders of the community at large. Unless this principle were acted upon, he could not see why the Royal Navy of England should not be taxed for this purpose, in proportion to its tonnage, as well as the mercantile marine. He was satisfied that the spirit of the age in which we lived required an entire change in the system under which these matters were now managed; and, among other subjects, it would be admitted that we must have greater responsibility. It was said that the Trinity Board was an honorary board, but he wanted no honorary boards. The name of Prince Albert had been mentioned in connexion with it, and with very great credit; but what had he to do with the Lighthouse Board? Nothing at all. He (Mr. Hume) never knew an honorary board of any use. There should be a responsible board. The Trinity Board was established in the time of Queen Elizabeth, and he would admit it had been of great advantage, and, on the whole, performed its functions well; but why, when they were revoking the charters of the towns in England for the best purposes, should they continue that board? The Government, however, ought to have had charge of lights and lighthouses from the first, as they would have been better enabled to act with promptitude in establishing lights where they were wanted, and thereby many thousands of lives and many millions worth of property might have been saved. He had no objection to the application of lighthouse dues to lighthouse purposes; but whilst saying this, he wished the sailor, who at present was interested in these dues, to be placed in a better situation than he was under the existing system, when his strength was diminished and his energies exhausted. He was satisfied that if we dealt liberally and justly by our own seamen, we should not have so many leaving our service. From what he had just said, the Committee would understand that, though he had no objection to the right hon. Gentleman's plan as a whole, he considered that in some respects it did not go far enough. For example, he wished the honorary board of the Trinity House to be abolished. Let them have nothing to do with princes and lords. They were of no use, because they were not wanted; and they were considered merely as— [An Hon. MEMBER: Lumber] — Ay, as lumber. They were only as lumber, for they were of no real use. The honorary board, therefore, ought to be done away with. As to that part of the right hon. Gentleman's plan which related to volunteering the Navy, he thought there was great good sense in the proposal. So was there in the resolution to abandon the restriction as to the proportion of seamen to be employed in British ships. This restriction, he believed, had been the cause of many strikes; its removal, therefore, would have a tendency to prevent combinations, and to enable the seaman to better his own condition. As to salvage, he totally condemned the present system. Salvage money to the Royal Navy should be abolished. The navies of France and the United States had instructions to give assistance, not only to the ships of their own mercantile marine, but to that of every other country, without charge. It was not honourable to a country like Great Britain to place its Navy upon a different footing; and he entreated Her Majesty's Government to reconsider their proposal in this respect. Let not the British Navy be placed in a degraded position compared with those of France and the United States. Let the same rule apply to the navies of all the three Powers, and he was sure that where services had been rendered to their ships, the merchants and shipowners of Great Britain would ever be found ready to reward the individuals by whom these services were given. He also trusted that the Admiralty Courts—which were bad enough here, but worse abroad—would be effectually reformed by the measures of the Government; for the expenses and delays on foreign stations had proved the ruin of many shipowners; and he was very glad to hear that it was intended to put an end to the great detentions abroad to which ships were at present liable. As to pilotage, he approved generally of the mode in which it was proposed to deal with the subject; but there was one point upon which he should feel it his duty to call upon the Government for some specific information. He alluded to the office of Warden of the Cinque Ports. He wished to know the nature of the arrangement under which this office had been granted to the noble Marquess (the Marquess of Dalhousie) now administering the Government of India. The Committee upon Sinecures, when considering the nature of this office, said that as it was held by the Duke of Wellington, in consideration of his public services nothing should be done to disturb his possession during the lifetime of that distinguished man; but they agreed that upon the noble Duke's decease it should undergo inquiry and revision. He did not believe that House was in possession of an accurate account of the amount of the profits, fees, and allowances of the Warden of the Cinque Ports; but it was well known that he had the patronage of the pilots, and that there were political and financial abuses in the office, which ought to be put a stop to. Would the right hon. Gentleman (Mr. Cardwell) inform the Committee what the duties of the office of warden were, and what the Marquess of Dalhousie was to receive for fulfilling them? If there were no duties, the office ought certainly to cease. At all events, the Committee had need of information upon the subject. On the whole, he believed that the right hon. Gentleman's proposals would be of great benefit, and he must say he had heard them with great pleasure; but he trusted that the important point of leaving the mercantile marine entirely untaxed would not be lost sight of by the Government or by that House.

Mr. HENLEY said, the Committee must have heard with great pleasure the statement of the right hon. Gentleman the President of the Board of Trade, because, though embracing a great variety of subjects, it was admirably clear and intelligible. He would notice a few of its points, but would take them in the reverse order of their introduction. He fully agreed with the right hon. Gentleman, that there was much misapprehension as to the emoluments of the consuls at foreign ports, arising from the mode in which they were paid. Many persons connected with the shipping interest fancied that these officers were greatly interested in the fees they received. This was a mistake, for the fact was, that the fees went to make up their salaries. Upon the subject of manning the Navy, the right hon. Gentleman had not stated whether or not it was his intention to apply the provisions of his Bill equally to masters as well as to crews. He inferred that it was the intention. At present, he believed there was no distinction as to mates, but there was as to masters; and he desired to know the views of the Government upon the subject. He presumed, also, that when foreign seamen were serving on board British ships, they would come under the same rules as native seamen. He did not know whether it was intended to continue the present system of registration or not; but this was an important question, upon which he should be glad to hear the views of the Government. He was glad to hear the statement of the right hon. Gentleman as to the numbers of masters and mates who had passed the voluntary examination. That statement was no inconsiderable answer to the charges which had been so inconsiderately heaped upon the heads of the masters and mates in the merchant service of late years. If ever there was a set of men more calumniated than another, those men were the masters and mates of the merchant service. He never could concur in the sweeping nature of those allegations; though he admitted that among a body of 20,000 masters and mates, there might be some drunken and incompetent men; but the same remark would hold true, doubtless, with any large body of men. The hon. Member for Montrose (Mr. Hume) appeared to have a great horror of the terrible tribunal of the Admiralty Court—a horror second only to that which he entertained of the Ecclesiastical Courts. He admitted there were grievances arising from the present system. There had been many painful instances where a large amount of salvage had been claimed, where the parties having gone into the Admiralty Court, a much less sum was awarded than was claimed, and where, upon appeal to the Privy Council, a less sum still had been awarded, while the costs were greater than the whole amount claimed. These cases were a grievance, and felt to be such. The subject, therefore, was deserving of consideration. As to salvage services of the Royal Navy, it was a question whether, as the navies of other countries rendered such aid free, this tax should be continued upon our own mercantile marine. He would now come to the question of lights. Upon that subject he believed that the Trinity House had upon the whole administered their trust as faithfully as possible, and that they had applied, as they were bound to apply, a considerable part of their funds to charitable purposes. But he did not anticipate that the scheme proposed by the right hon. Gentleman would effect any great saving of expenditure, especially if, as he understood, the three existing managements were to be continued—the Trinity House, the Ballast Board in Dublin, and the Commissioners of the Northern Lights in Edinburgh. Upon these subjects, however, he would reserve any opinion till he had the Bill before him. He wished to know, however, if it was proposed that the officer, who was to be responsible to that House, should exercise a control antecedent to the expenditure of the money? [Mr. CARDWELL: Yes.] With regard to the question of the private lights, he understood that the shipping interest was to be left burdened with that charge until the debt incurred by their purchase was discharged—

MR. HUME: They are overpaid already.

MR. HENLEY said, he understood that there was a sum somewhat less than 100,000*l.* still owing. Whether that debt was to be liquidated in six months or in sixteen months, he understood that the liquidation was to come from the shipping interest, and not from the Consolidated Fund. So it was to be with regard to the charities. As long as there were any recipients of the present charities, he understood they were to be paid by the dues on the shipping interest, and not out of any public fund. Now, in these respects the measure differed from that which was proposed by the late Government. His opinion, and that of his right hon. Friend (Mr. Disraeli) was, that the private lights had too long been a charge upon the shipping interest; the debt upon them, in their opinion, had already been repaid, both principal and interest; and if it were not, they were of opinion that it was not unreasonable the country at large should now defray the expense. So with regard to the charities. No one could wish that the present recipients of these charities should suddenly be deprived of them; but the late Government felt that to continue to lay that burden upon the shipping interest was objectionable on principle, and, therefore, they determined to lay the burden upon the country at large. With regard to the question of passing tolls, it seemed to be imagined that the late Government had also intended to charge the expenditure hitherto defrayed by them for all time out of the Consolidated Fund. Nothing could be further from their intention. The late Government knew that in several places debts had been contracted on the faith of these passing tolls, and therefore his right hon. Friend the late Chancellor of the Exchequer was for continuing the passing tolls for two years longer. The Government of which he had been a Member had sent an officer to make inquiries into the subject at Ramsgate, considering that passing tolls were very objectionable in principle. In several places where these tolls were levied, there was a debt which had been contracted upon their security, though that was not the case at Ramsgate; and his right hon. Friend the Chancellor of the Exchequer, in making his financial statement, which was for two years, had naturally said, that probably a charge upon the Consolidated Fund might accrue from that circumstance. They had refused to sanction legislation on the subject of the Ramsgate dues, because they thought the principle of these passing tolls altogether objectionable; but it had not been their intention to provide for those tolls permanently out of the Consolidated Fund, but to inquire if the objects might not be obtained by local rates and charges. With respect to the general principle of the measure proposed by the right hon. Gentleman, as far as he understood it, it was that stringent powers were to be given to the Government Board, which would override all the local Acts of Parliament—

MR. CARDWELL: The local boards will have power to make by-laws.

MR. HENLEY: Yes; but these by-laws will be subject to the control of the central board, so that, virtually, the central board will override every other. With regard to one subject on which the right hon. Gentleman dwelt—the refusal to give certificates of pilotage to the masters of Liverpool steamers, thus compelling them to take pilots—he wished to remind the House that the Liverpool pilots were obliged to go out to sea in all weathers. This was a dangerous and an expensive service; and the Liverpool pilots naturally complained that if the steamers could dispense with their services in rough weather, they would not object to their having certificates for piloting their own vessels in fine weather. He would not, however, go further till he had seen the Bill, and he would content himself for the present with saying that the subject was one of the greatest interest to the mercantile marine of this country, and that he was sure both sides of the House would give it their dispassionate consideration.

Mr. LABOUCHERE said, he was rejoiced to be able to say that he had heard with the greatest satisfaction all the principal parts of the statement made by his right hon. Friend the President of the Board of Trade; and, indeed, with very little modification that feeling of satisfaction applied to all the measures which had been announced to the Committee. He had heard, however, with especial satisfaction, from the right hon. Gentleman, the statement with which he had prefaced his speech, namely, of the great prosperity, both material and moral, of the British mercantile marine at the present moment. That was a subject of the deepest interest to every individual and to every Member of that House; but as it had fallen to him in recent times to propose great and important measures affecting the mercantile marine of this country, some of which had met with very great and, he had no doubt, conscientious opposition, it was to him especially a matter of the greatest satisfaction to see a President of the Board of Trade rise in the House of Commons, and state without contradiction that, come from what cause that prosperity might, it existed at this moment in the highest degree—that never was the British mercantile marine more completely and entirely prosperous. He would not enter now into the causes of that prosperity, which he believed depended upon the general prosperity of the trade of the country; and he must say he never could understand such a state of things, as that the trade of the country should be in a state of prosperity, and that the shipping interest, which was merely the channel through which that trade passed, should be in a state of decay. He knew some persons suggested that the present state of prosperity was in spite of, and not in consequence of, the repeal of the Navigation Laws. He would not now enter into that question; he would only ask such persons to consider what would now be the condition of the mercantile marine of this country if the restrictions which formerly existed had not been repealed before the present increase in our commerce had arisen—before those new channels for the employment of vessels in California and Australia had been discovered—and before there was that unexampled demand for ships wherever they could be found; and he would beg them to consider at what disadvantage our merchants and manufacturers would have been placed, and how unable they would have been to cope with the Americans, who were not subject to these restrictions. He would now pass on to what was more properly the subject of consideration—the measures propounded to the House by his right hon. Friend the President of the Board of Trade. By far the greater part of those measures met with his unqualified approbation; and if there was any point of detail upon which he differed in opinion from his right hon. Friend, it would be better to reserve discussion upon those points until the Bill went into Committee. With regard to the question of lights, he believed that, upon the whole, the right hon. Gentleman had followed a very judicious course; and he believed the scheme proposed would obtain that substantial control over the lights of this country which was necessary for the public, quite as effectually as a more ostentatious and radical reform would have done. He (Mr. Labouchere) must be permitted to add his testimony to that which had been borne that evening in regard to the general conduct and character of the Trinity House. It had been his lot to communicate officially for many years with the Trinity House, formerly when the late lamented Sir John Pelly filled the office of deputy governor, and since that office had been held by Captain Shepherd, and he had always observed on the part of the Board a sincere desire to meet the Government in all practical improvements of the system. At the same time he was ready to admit that there were parts of the Trinity House system which were indefensible. The administrators of funds so large ought to be more directly responsible to the Government and to Parliament than they were; and therefore he rejoiced to find that the proposals of the right hon. Gentleman had been met in so fair a spirit by the Trinity House on this occasion, not in the narrow spirit of a corporation, but with a due regard to those public objects for which the corporation was instituted. Undoubtedly that which used to form the great burden upon the shipping interest had been the charge for lights, and the compensation for that great sum of money necessary to buy up the private lights vested in individuals. About 1,250,000*l.* were paid in this way, and the repayment of this fell upon the shipping interest. A more monstrous abuse than these private lights had never existed in this or in other country. He had seen it stated that they had been given to private individuals on no other stipulation than that they should be kept in repair; and in a publication to which we were very much indebted for an insight into the history of the time—he meant the *Grenville Correspondence*—there was this curious note with regard to an interview which George Grenville, then Prime Minister, had with George III. :—"Finding His Majesty in a particularly gracious humour, I thought it a good occasion to ask for a lighthouse for my youngest son." It was impossible to characterise such a transaction as this by any other than the simple, short, and inelegant word—a job. Unfortunately the sum involved in the purchase of these lights was very considerable, and no Chancellor of the Exchequer had ever had the courage to propose that it should be paid by the nation; but that sum was now reduced to a very insignificant amount—to not more than 97,000*l.*,—which still remained for to be paid once for all. It was the intention of the late Government, he believed, to have paid that sum out of the Consolidated Fund, and he would venture to ask his right hon. Friend the President of the Board of Trade, whether it would not be worth while to accord this boon, and to pay the 97,000*l.* out of the public fund, as had been proposed, instead of letting it fall upon the shipping interest? One of the most important questions touched upon by the right hon. Gentleman had been that of pilotage, and the abolition of the separate jurisdiction of the Cinque Ports, of which the proposed consolidation would constitute an important practical reform. He sincerely trusted that this portion of the right hon. Gentleman's Bill would obtain the consent of both Houses of Parliament, for a more important boon could not be given to the mercantile marine than the consolidation, under one system of pilotage, of the Cinque Port and the other pilot systems. At present, by what was called the "manning clause," the crew of a British vessel must be three-fourths British, and might be one-fourth foreign. His right hon. Friend proposed to abrogate this provision, and to enact that the whole of the crew might be foreign, both masters and men. Now he held opinions on that subject which perhaps were not popular on his side of the House, but he must say he was not favourable to this change. He believed that as a practical grievance it affected the shipping interest less than was generally supposed. He believed that the cases would be very few indeed where a *boná fide* British ship would leave a British harbour with more than one-fourth of her crew consisting of foreigners. When the repeal of the Navigation Laws was under consideration, he had frequent interviews with the shipowners, and he repeatedly offered to modify the existing law so as to allow them to carry a larger proportion of foreign seamen; but he was always told that that was not their object—they must be allowed to employ all foreigners, and nothing else would be of any value to them. At the same time he did not look upon this question as a grievance to British seamen; and he said this the more emphatically, for he knew that attempts had been made to represent to the British seaman that he was hardly treated under this measure. He had no fear of the British seaman being able to compete with the foreigner. The Baltic seamen were the only men that were worth anything, and they were too much in demand in their own country to cause any dread that their numbers would affect the wages of seamen here. But he viewed the question from another point of view. The late Government abolished the restriction as to British-built ships; and now by the proposed alteration a Swedish-built ship, manned by a Swedish captain and Swedish sailors, or a French-built ship, manned by French sailors, was to be regarded as a British vessel if she had a British owner. Now, he wanted to know what there would be of the character of a British ship about such a vessel, except her flag and her ownership? Now he was afraid that the ownership would be in many cases a merely colourable matter; and the effect of the change would be that they would be called upon to recognise and to protect as British a ship that was foreign built, that had a foreign captain and crew, that sailed from a foreign port, and whose only title to be considered British was that she had some man of straw for a British owner. Upon every other ground he rejoiced to see the market thrown open. The shipping interest was at present in a state of almost unexampled prosperity, yet that House could not be more properly employed than in considering the conditions of the prosperity of that great interest on which the safety and credit of this country so greatly depended.

Viscount CHELSEA said, he must defend the Cinque Ports pilots from the charges that had been made against them. The Cinque Ports pilots were compelled to serve in rotation, whereas the Trinity House pilots had the option of whatever ship they chose, and they usually selected the largest as the most profitable. The Cinque Ports pilots were bound to serve in Her Majesty's Navy, while the Trinity House pilots were exempt. The Cinque Ports pilots were bound to make an annual survey of the opposite coast of Holland—an obligation which did not rest on the pilots of the Trinity House. It had been said that the Cinque Ports pilots were appointed by patronage, but the contrary was in fact the case. They had to undergo a severe examination before the officers of the Lord Warden. So far from patron, age having any influence on the case, ou- of 149 persons passed, and 45 rejectedt there were among the latter several who were related to the examining officers. Again, the Cinque Ports pilots were bound to serve an apprenticeship of seven years, whereas the Trinity House pilots had only to serve three years.

Lord ALFRED PAGET said, he must beg to express the great gratification with which he had heard the propositions of the right hon. Gentleman the President of the Board of Trade; for he believed that, if carried out, they would tend to relieve the shipping interest from some of the heaviest burdens which they were at present subject to. As all protection had been taken from them, they should, as far as possible, be relieved from the burdens under which they laboured, and amongst them one of the heaviest was pilotage. Although it might be true that the Cinque Ports pilots had some disadvantages, it should be remembered that they had also advantages which other pilots did not enjoy. There were, for instance, only the same number of pilots now that there were thirty-six years ago, although the shipping of the country had, during that time, increased from 50 to 100 per cent. They enjoyed the privilege of examining themselves; that was, although a pilot could not examine his own son, he could examine a friend's son, who might in his turn examine his—a pretty comfortable way of doing the business. Then their fees were exceedingly high. He had a bill for piloting a ship of Mr. Greene's of 22 feet draught of water. The pilotage from the Downs to Gravesend was *25l. 2s. 8½d.*, and there was a further charge of *5l. 5s.* for boarding, making a total of upwards of *30l.* Such a charge was a heavy burden upon the shipping interest.

Mr. TURNER said, he thought the statement of the right hon. Gentleman would be heard with great satisfaction by the shipping interest. He wished, however, to draw his attention to two questions. The first of these was the desertion from British ships by their seamen in foreign ports. At present there were 80,000 tons of shipping lying in the ports of Australia, and unable to get away because the seamen had deserted, and because the only punishment which the local magistrates could inflict upon them, that of imprisonment, was totally ineffective. He hoped that the law would be made more effective, by giving the magistrates power to send deserters on board, and that two or three men-of-war would be sent out to aid the magistrates, as a water-police. He hoped also that the present system of giving salvage to Her Majesty's ships would either be abolished, or at any rate materially modified. He thought that, under ordinary circumstances, the officers of the British Navy should give their aid to British ships in distress without looking for remuneration; and that, although in cases of great danger and difficulty, it might be right something should be paid, yet this might safely be left to the generosity of the underwriters, who had always shown themselves disposed to reward amply any extraordinary services of this description. The enormous rewards now claimed by British men-of-war for services rendered to merchantmen, under very ordinary circumstances, reflected great discredit on the British Navy, and were felt by the mercantile body as a great grievance. He wished, in conclusion, to say but one word with respect to the pilots of Liverpool. There was not in the country a more respectable body, nor one which more efficiently performed the difficult or dangerous duties devolving upon them. He was sure that, as a body, they would not be disposed to interpose any obstacle to the relaxations which the right hon. Gentleman proposed to introduce in favour of the steam navy of the country.

Mr. HEADLAM said, that as the representative of one of the greatest shipping ports of the country, Newcastle-on-Tyne, he begged to express his satisfaction at the attention which the right hon. President of the Board of Trade had devoted to the various grievances brought before him. He did not think that he had, however, in all respects dealt as fairly and liberally with the shipping interest as might have been expected, considering the severity of the unrestricted competition to which they were now exposed. The restriction hitherto imposed upon owners with respect to the composition of their crews, was one no longer tenable; and though its abolition might meet with some opposition from those whose interests were directly affected by it, he believed that they would ultimately be benefited by it. He did, however, think that some of the burdens which at present pressed upon the shipping interests might have been removed. The passing tolls were an impost the continued imposition of which was utterly untenable on any sound principle. Nor did it appear from the right hon. Gentleman's statement that his plan would materially decrease the charge of light-dues to the shipping interest. He must protest against this, for he thought it very unfair that a charge which in other countries was borne by the general taxes of the country, should in this be imposed (together with other things not properly connected with it) upon one particular class. No doubt great caution should be exercised in placing charges upon the Consolidated Fund; but still as that fund was contributed to by the shipowners with the rest of the community, he thought it was only fair that when they were exposed to free competition with other countries, they should not be required to bear alone burdens which were there borne by the community at large.

Mr. DEEDES said, he wished to remind the right hon. Gentleman the President of the Board of Trade, and the Committee, that in dealing with the question of the Cinque Ports pilots, that they had existed as a body for centuries. He was, indeed, aware that that was a claim to consideration which was not very favourably listened to at present. All, however, that he asked was, that before their interests were interfered with, their duties, and the manner in which they had performed them, should be carefully inquired into. When a similar measure to that proposed by the right hon. Gentleman the President of the Board of Trade was in contemplation in 1837, the Duke of Wellington protested against the amalgamation of all the pilots of the country under the Trinity House, as he said it would virtually make that body legislators on all matters of pilotage. If it should be determined that these men should no longer be employed, reference ought to be had to the expensive education they had undergone, and compensation, as in all cases where places were taken away, should be allowed to them. The noble Lord the Member for Lichfield (Lord A. Paget) had complained of the inefficient manner in which the Cinque Ports pilots were examined; but the Duke of Wellington had, in a letter written to the Master of the Trinity House, in 1837, borne testimony to its perfect efficiency. He wished to call the attention of the right hon. Gentleman to these points, as he was sure that he did not intend to do any injustice to men who had proved themselves a practical and able body.

Sir GEORGE PECHELL said, he had been most anxious, for a series of years, to see the good work of reformation on this question effected. It must be obvious that the whole fabric was coming to an end. It was, therefore, quite time that something was done to accelerate that event, and to lay the foundation of a better system. But, at the same time, he must say, that, with respect to pilots, they were a most valuable body; and it was of the utmost consequence that this body of persons should be kept up in a state of full efficiency. He was sorry the right hon. Gentleman (Mr. Cardwell) had not determined to deal with the question of passing tolls without delay. Such was the injurious operation of this toll, that shipmasters, rather than pay this toll to Dovor, had given orders that the port of Dovor should be avoided, even though the nearest port in a time of emergency. He had attempted to get this and similar grievances redressed, but had hitherto been met with the answer that the time had not come for making any effective change. With regard to relieving the shipping interest, the best way would be to take off the duty on timber, and thus to give the British shipowner a fair chance against the foreign shipowner. He should be glad to see the question of salvage fairly and finally settled. He considered the Royal Navy was for the use of the country, and that services ought to be rendered to the mercantile marine without the Admiralty sending in a bill afterwards. No doubt when loss occurred through saving vessels or rendering assistance, such cases ought to be properly compensated, but not, as now, by a claim for salvage. He believed the present measure would be of great benefit, and he trusted it would meet with support, for it would get rid of the monster grievance, the Cinque Ports.

MR. ALEXANDER HASTIE said, as representative of one of the most important of our seaports, Glasgow, he felt bound to approve of the measure as far as it went; but he regretted that so little had been done to check that growing evil, desertion. He was sorry to hear his right hon. Friend talk of the consular fees in a tone which intimated that he did not consider them any serious evil. He could assure him that the shipping interest looked upon those charges as a serious grievance, and the more so as these burdens were the heavier when a ship was in difficulties. He had known cases when, in the south-west coast of America, as much as 200 dollars for the consul's fees at a single port were paid. His right hon. Friend, he thought, had hardly indicated the principle on which his Pilotage Bill was to proceed; if, however, it was to proceed on the principle recommended by the Committee in 1835, it would give satisfaction to the shipping interests, and the country at large.

MR. INGHAM said, he considered that the light-dues and the charges for salvage made by ships of the Royal Navy were most unjust to the shipping interest; and he would suggest that the former should be defrayed out of the Consolidated Fund, and that the latter, when any charge could be justly made out, should be paid by the Admiralty.

MR. STAPLETON said, he considered that the effect of the removal of the restrictions which now existed as to the manning of the merchant navy, would be to raise the rate of wages in foreign ports, and thus to improve the position of the British shipowner by removing one of the difficulties with which he had to contend, namely, the low rate at which the foreign shipowner could man his vessel. He thought, however, that means should be taken to render our merchant service more popular, by freeing it from those severities of discipline which, being carried on without responsibility, in some cases partook of the character of tyranny. He would suggest that a record should be kept of all cases in which punishment was inflicted on board merchant ships, and that similar regulations should be established to those which prevailed in the ships of war on the subject.

MR. HUDSON said, he must complain that, by the arrangement that was proposed to be made by the right hon. Gentleman the President of the Board of Trade, respecting the passing toll, an injustice would be done to the port of Sunderland; and he must say that he had expected, from the fairness and knowledge of the right hon. Gentleman, and the ability of the Government, that they would deal more satisfactorily with the question. The former Government had exhibited the desire of doing them justice; but though the right hon. Gentleman had proposed to deal fairly with the lighthouses for the present, he promised no relief to the shipping interests at all. His constituents were taxed for passing from the south, whilst Middlesborough and Hartlepool were exempt. The right hon. President of the Board of Trade had said that Ramsgate harbour could pay its own way. He (Mr. Hudson) knew it could; but what he contended was, that Sunderland ought not to be charged with the errors of other places. The shipping interest would view with dissatisfaction the statement of the right hon. Gentleman in this respect. The people of Sunderland, exposed as they were to unrestricted competition with the foreigner, required immediate relief, not a postponement of their case. He had never known any person more conversant with the subject of the mercantile marine than the right hon. Gentleman; and they should, therefore, press upon him night after night until he did them justice. There was a tax of *7s. 6d.* a load charged on timber; and he hoped when the Budget was brought forward, they would be relieved from that tax, which had been unjustly left on them by the noble Lord the Member for the City of London when he was at the head of the Government. With respect to the passing tolls he did not think they formed a case for inquiry.

MR. CARDWELL: Sir, on a former occasion I have expressed, as an individual Member of Parliament, my opinions on this subject, and I do not know that they differ very much from what the hon. Gentleman who has just sat down has expressed; but to-night the province is cast upon me of bringing forward certain measures, and I have nothing whatever to do with fiscal or financial subjects. I have no authority to touch the timber duties, or in any other way to touch those questions that affect the balance sheet of the year. Those subjects were very properly referred to by the right hon. Gentleman opposite (Mr. Disraeli), when he brought the case of the shipping interest before the House, because he was making a financial statement. I don't know whether the hon. Gentleman (Mr. Hudson) was present in the early part of the evening, when I referred to the passing tolls; but I must have expressed myself very indistinctly, or he must have misunderstood me, if he thought that I was putting myself forward as an advocate for passing tolls. The Government wish for an inquiry because the subject is one affecting the public interests, and we consequently desire to have the facts placed accurately before us. The hon. Gentleman says that inquiry is not necessary; but read the Report of the Committee, and it will show you that inquiry is necessary. I do not wish to go into any fiscal statement, but the occasion will arrive before long when a detailed statement on that subject will be made; and those who think there will be no reduction of duty on lights, will, I trust, be satisfied when the details of that statement are laid before them. I can assure the Committee that if the House shall invest the Board of Trade with the powers which this Bill proposes to confer on them, they will be exercised with the utmost frankness. In reference to an observation that has been made, I beg to say that nothing was further from my intention than to express an opinion on a minute question raised between parties in Liverpool. My hon. Friend the Member for Montrose thinks Princes and Peers have nothing to do with lightboards. In America, they think otherwise, for the Report to Congress says—

> "In England the Duke of Wellington presides, while the prince, the peer, the admiral, the commoner, and the retired sea captain sit together and devise means for alleviating the hardships and lessening the dangers of the mariner in approaching their dangerous coast."

In my opening speech I did the utmost I could to spare the time of the Committee by not entering into unnecessary details; but when all the details are laid before hon. Gentlemen, I think it will be found that many of the objections made to night have been anticipated.

Resolved—"That the Chairman be directed to move the House, that leave be given to bring in a Bill further to amend the Law relating to Pilotage."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Wilson Patten, Mr. Cardwell, and Sir James Graham.

House resumed.

Mr. Cardwell

BLACKBURN ELECTION—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Question [3d March], "That the Minutes of the Evidence taken before the Select Committee on the Blackburn Election Petition be laid before this House:"—(*Sir John Shelley:*)

Question again proposed—

Debate *resumed.*

MR. GOULBURN said, he had on a former occasion pointed out the inconvenience of suspending writs in all cases of bribery, and though that question did not arise directly on a Motion for printing evidence, he would state two reasons why he thought the House ought to be cautious in interfering in the present case. If he understood aright the purpose of the Grenville Act, and the several Acts that had passed since to amend that Act, it was that the House should not exercise its discretion in matters of controverted elections, but should in all cases be guided by the decision of the Committee to whom the Election Petition was referred. In the last Act for amending the Grenville Act, that which was now the law, it was enacted that the Select Committee appointed for the purpose should try the merits of the Election Petition, and determine whether the sitting Member, or any and what other person, had been duly returned and elected, or whether the election was void, and whether a new writ ought to issue or not, and that their determination should be final to the parties, and that the House should act upon it. Now, it was clear from the wording of that clause that it was intended the Committee should form their judgment on the circumstances, and decide whether or not there were sufficient grounds for the suspension of the writ. If the House suspended the writ in a case where no extensive and general bribery was proved, and without the recommendation of the Election Committee, they would be taking on themselves a discretion which the law never intended to invest them with. A subsequent Act of a most important character, the 5 & 6 *Vict.*, was brought in by the noble Lord the Member for the City of London (Lord John Russell), and the preamble of that Act stated that it was intended to prevent extensive bribery, and it particularly set forth that the bribery should be extensive, to induce the operation of that Act. That Act, in cases where the charges of bribery had been abandoned, where a petition on account of bribery had been presented within three months after the election, or where a petition was withdrawn under suspicious circumstances, in order to prevent, as it would seem, a case of bribery being brought under the cognisance of the House, gave the power in each case for the Committee appointed to try the merits of the election to reasemble and prosecute a further inquiry. But without a Report from a Committee that the bribery in any borough was extensive, his own opinion was that that House would not be justified in acting on the casual opinion of any particular Member. There was no man more averse than he was to afford encouragement to anything like bribery. He looked upon it as a grave crime on the part of the party who bribed, and a crime in a minor degree on the part of the person who received the bribe. But when he was called upon to do an act which would affect the whole constituency of a borough, he considered that he was not justified in proceeding upon an individual case, but must ascertain whether the charge of corruption applied generally to the mass of the electors. In the case of Blackburn five persons were reported to have been bribed; and in the case of Bridgenorth it appeared that one individual was reported to have been bribed, and some ten or fifteen against whom charges of bribery were made had been proved to be perfectly innocent—thus showing clearly that there had been no such extensive bribery as would justify the application of the noble Lord's (Lord John Russell's) Act, the 5 & 6 *Vict.*, and still less to justify the House in acting without reference to the Report of the Committee. The House ought on all occasions to be exceedingly cautious in suspending writs. Previous to the Grenville Act, writs were frequently suspended by the House, and if they now decided that partial bribery was sufficient to justify the suspension of a writ, the evil effects which the Grenville Act was intended to meet—that was, the giving to the dominant party in the House the power of saying whether certain Members should be excluded or not—would be revived. This was a dangerous principle to introduce, and the danger was far exceeding that which could arise from any casual bribery that might occur in any boroughs; for it was calculated to infringe on the constitution and the freedom of election. If the House should agree to print the evidence in the Blackburn case, the House would probably go further and suspend the writ. Therefore he thought this was the fitting opportunity of putting it to the House whether they were prepared to suspend a writ in a case where there was no Report from the Committee that such a system of extensive bribery had prevailed at the last election to justify it.

Lord JOHN RUSSELL said, he would state what appeared to him to be the course which the House ought to take on this subject. He thought it was incumbent on the House to consider, with the greatest deliberation and caution—and the right hon. Gentleman who had just spoken was perfectly justified in giving that advice—how it acted in the matter under consideration, for a great error might be committed one way or another. It might be a great error to refuse to issue the writ for a borough where five, six, or ten persons had been guilty of bribery; but, on the other hand, he thought that the issue of a writ to a borough of which the greater part was corrupt, and where extensive bribery prevailed at every election, would be also an error of great importance, and likely to lead to much abuse. They must consider the present state of the representation, the facts lately come to light with respect, he was sorry to say, to many of these boroughs, and the inquiries yet to be undertaken; and, from a review of all those circumstances, endeavour to come to a correct decision. The right hon. Gentleman who had just spoken said that the Grenville Act excluded the House from acting in these matters. It appeared to him that there were two points which the House used formerly to consider. With respect to one of them, the Grenville Act had been a remedy—if not a perfect at any rate a tolerably sufficient remedy; but with respect to the other, so far from being a remedy, the Grenville Act tended to aggravate the evil. The matter on which the Grenville Act had proved a remedy was the practice which prevailed of the case of one Member or another being taken up according to the party to which he belonged, and discussed in this House in that spirit, and a decision being come to by the majority for political reasons. Of course in such a case it probably often happened that a person legally entitled to a seat was deprived of it by a party vote in that House. That evil, he thought, had been very much corrected by what was called the Grenville Act, and others which succeeded of the same tenor; and there now existed a judicial tribunal which considered the cases connected with disputed returns with great care, enlightened by the opinion of counsel, and endeavoured as it appeared to him, generally speaking, very honestly to come to a correct decision. But the other evil which existed—namely, the occurrence of corrupt elections in many boroughs—was one with respect to which the House of Commons was accustomed to take the matter into its own hands, and in most instances with considerable effect. He had before had occasion to allude to Sir Edward Seymour, one of the most remarkable Members of that House, who on one occasion was instrumental in procuring an inquiry at the bar of this House in the case of one of those boroughs in which corrupt practices were alleged to have taken place, and where evidence was produced of the corruption, which resulted in a vote of this House, unseating all the Members against whom he proceeded. A vote of thanks was passed by the House for his services. With respect to that evil, the Grenville Act, and the other Acts that succeeded, had rather narrowed the power of the House, and lessened the remedy which formerly existed; and, as for such a proceeding as that for which Sir Edward Seymour was held to have entitled himself to the gratitude of the House, it was now quite impossible for any one to undertake it. The nature of the proceeding at present in each particular case was this:—Supposing a Member was returned by bribing 300 or 400 voters, and that his return was complained of, the petition alleging bribery, the counsel for the petitioners examined witnesses, and, having proved four cases of bribery, he had done quite enough to unseat the Member. What motive, then, had the petitioner to spend 500*l.* or 600*l.* to prove that, in addition, some 300 or 400 voters had been guilty of bribery? The petitioner having done enough to unseat the Member returned, desisted from this course, and the Committee having no further evidence before them, came, no doubt, to a true and jnst decision on the evidence adduced. No one could complain of their not doing justice between party and party, whatever political opinions the Members of the Committee might hold; and the Member returned was unseated, a Report being made that four or five persons were guilty of bribery, and there generally the matter ended. That did not prove at all, as the right hon. Member for the University of Cambridge (Mr. Goulburn) seemed to think, that there were only five cases of bribery. Therefore the Grenville Act, and those which followed, while they had done much to purify the character of the House with respect to party decisions in reference to the returns of particular Members, had done worse than nothing in dealing with the corruption in boroughs which had prevailed from the time of William III., he regretted to say, up to the present time. He (Lord John Russell) had endeavoured from time to time to introduce Bills to correct in some degree this, which he thought a very considerable defect. By one of those Acts which the right hon. Gentleman (Mr. Goulburn) had referred to—namely, the Act of 5 & 6 *Vict.*, c. 102, the Election Committee, if they had reason to think that the inquiry had not gone far enough, or if they saw ground to suspect that the petition was withdrawn for particular purposes, or for one or two other causes, might again sit and take further evidence with respect to the borough in question. In pursuance of that Act one of the Election Committees had, he believed, that day reported that they had resolved to pursue and make further inquiry. That was very satisfactory in a case where the evidence brought before the Committee should be such as to enable the Committee conscientiously to say that there were grounds of suspicion. But how many cases might there not be where, though bribery extensively prevailed, evidence was not brought before the Committee. There was another Act, which he had the honour of introducing last year, providing for making inquiries by Commission on the spot, which inquiries had been found to be in two cases of a very effective nature. With regard to the borough of Sudbury, it was well known that in the beginning of the reign of George III. advertisements were published in the newspapers to the effect that the highest bidder for the constituency would be returned. Yet from that time to the present reign that borough returned Members. The mode of inquiry established by the Act to which he had referred was to be set on foot upon the joint Address of the Houses of Parliament, setting forth that a Committee of the House of Commons had reported that they had reason to believe that corrupt practices extensively prevailed in any borough. Now the question was—and he thought it a very serious question for the House to consider—what course it would pursue with respect to the reports of the Election Committees in which it was stated that the elections were carried by bribery, and that, in consequence, the Members returned were unseated. With respect to some of these cases the Committee had not only unseated the Member, but reported that corruption either generally or extensively prevailed. In such cases the House, he supposed, would have no difficulty in agreeing to address the Crown under the provisions of the 15 & 16 *Vict.*, c. 57. It was not in respect to these cases that the difficulty arose; but there were other cases, in which the number of persons reported by the Committee to be bribed were very few, and in those cases it was matter of consideration whether the House ought to take any further step. In considering the matter he thought it was of great importance not to lose sight of what now, he might say, turned out to be the well-founded belief that bribery and corruption were carried to a very great extent at the last general election. He therefore would put it to the House whether it would be satisfied with asking for an inquiry by Commission in those cases only where the Committee had reported extensive bribery and corruption, or whether it would endeavour to make the remedy commensurate with the evil. He should be very loth to take any course seeming to transfer from the Election Committees to that House the judgment on the matters submitted to them. He thought that any Resolution of that House which implied that it was not satisfied with the decisions of the Election Committees, and that they wished to create an appeal from them, would be a very great evil; but it was one thing to say that an Election Committee had not duly performed its duties, and another to say that, though it had duly performed them, its scope and function were limited by the Act of Parliament, and that it could not consider the general evil, which it became the business of Parliament to do the best to investigate and correct. Now, he thought there were larger and more extensive questions, which, perhaps, could not be referred to the Committees under the Grenville Act, but which Parliament might very fitly consider. He would be rather disposed to say, that in every case where there was a Report of a Select Committee under the Election Acts that a Member or Members had been returned by means of bribery and corrupt practices, it would be desirable to have a Select Committee appointed in order to inquire whether, in the words of the Act, there was reason to believe that corrupt practices had extensively prevailed in the borough for which the return had taken place. He could not but believe that there were several boroughs in which it would, in a very few days, appear that this had been the case. He had heard, but he did not know whether it was the fact, that with regard to Bridgenorth there would be a petition to that House praying for inquiry upon this object. He had heard likewise—though he did not vouch for it—that in Blackburn an attempt had been made to insult or attack the houses of those who had given evidence against the bribery which had prevailed at the last election. Now, if there were any truth in these reports, but more especially if a petition was to be presented asking the House to inquire as to the general prevalence of corrupt practices in any one of these boroughs, he thought it would be hardly right for the House, in the face of such a petition, to send a writ down for those boroughs, for, if the House was thoroughly convinced that the election had been corrupt before, so it was likely to be corrupt again. In saying that the election would be corrupt again, he did not mean that the same scenes of bribery would inevitably take place. What he meant was, that the corrupt influence would prevail, and that, although the particular election might not be carried by that influence, yet that some corrupt influence would continue to govern the elections. With respect to the issuing of writs, he did not think that any writ ought to be suspended on the ground that was taken previously to the Grenville Act, namely, by way of penalty or punishment to a borough. He did not think it was right for that House to take into its own hands the punishment of boroughs, as they had formerly done under such circumstances; but he thought, if there was an inquiry pending, either before a Select Committee, or before a Commission appointed according to the Act 15 & 16 *Vict.*, c. 57, that it might be advisable not to issue the writ. At present he would be quite satisfied with the proposal of the hon. Member for North Wiltshire (Mr. Sotheron), with some alteration in its terms. What the hon. Gentleman proposed was, that no writ should be issued without notice. Now, that seemed to be sufficient, but it might happen that late on a Monday, at one or two o'clock in the morning, notice might be given of intention to move for a writ, and that at half-past four the next day the Motion might be made in a thin House, Members generally not being aware of the intention to bring forward such a Motion. He thought, if the hon. Gentleman would consent to propose that seven days' notice should be given, sufficient opportunity would be afforded to the House to take all the circumstances into consideration, and time would also be afforded to the persons who had the right of voting in the city or borough to which the Motion referred to prepare a petition to the House, if they thought fit to do so. He (Lord John Russell) had ventured to give his opinion to the House on this question. He confessed the subject was one of considerable difficulty, but he did not think it was at all a party matter. He was only anxious, if the House should come to a decision, that they should not appear to act with caprice, or to be desirous of taking too much power into their own hands; while he also wished that they should stand before the country as determined, if possible, to check the torrent of corruption which at present prevailed at elections, and which was a disgrace to our representative system.

Mr. SOTHERON said, he would now move the Amendment of which he had given notice. This Motion was copied exactly from a Resolution which was adopted by the House in 1848, in order to settle difficulties as to the issue or suspension of writs in cases analogous to this; and he had always understood that that Resolution had proved a satisfactory settlement of the matter. He would endeavour to point out what he thought would be the effect of adopting any other mode of proceeding than that which he proposed. A Motion had been made that the evidence taken before the Blackburn Election Committee should be laid before the House. Now, the House had appointed a Committee of five Gentlemen, under the sanction of an oath, who had received evidence upon oath, and had made their Report, declaring that the sitting Member was not duly elected, and that bribery had been committed. It was evident, as the Committee had declined to instruct the Chairman to offer any further Resolution on the subject, that they did not think extensive or systematic bribery had prevailed. He would suppose that, if the evidence was laid on the table, the Members of the House, after reading it, might come to a conclusion contrary to that arrived at by the Committee; and it might be proposed that the House should appoint a Select Committee to inquire further into the matter, with a view to the issue of a Commission. Now, if such a Committee were appointed, although it had power to send for persons, records, and papers, it could not examine witnesses on oath. He would suppose such a Committee agreed to a Report at variance with that of the original Committee—would not the House then be placed in a most inconvenient and embarrassing position? Which of the two Reports was likely to have most weight with the House? Supposing that the House should assent to the latter of the two Reports, did they think it likely that the other House of Parliament, having the two Reports before them, would adopt that which had not received the sanction of an oath, in preference to that which had? He thought, considering the question in a constitutional point of view, that it would be most unwise to tamper with a Statute which had been deliberately agreed upon, and which constituted a particular tribunal for the trial of these cases. He might suggest, that if the Act 15 & 16 *Vict.*, should at any time be revised, they ought to require the Committee not merely to unseat the Members, but to give their deliberate opinion as to whether a new writ ought or ought not to issue. He feared that if they assented to the appointment of a Select Committee in every one of these cases, the result would be that they would bring back to that House the decision of questions which never could be determined in such an assembly judicially, fairly, and honestly; but which must be determined as they were in the corrupt days of George II., according to the political bias of the Gentlemen who sat in the House. He trusted that the House would not, by assenting to the Motion of the hon. Baronet (Sir J. Shelley), do that which he believed would be setting a most mischievous and dangerous precedent; and if the House refused to support the decisions of its Committees, it could not be expected that they would continue to discharge their arduous duties, with the same courage and impartiality which had characterised all Election Committees during the present Session.

Mr. BOUVERIE, in seconding the Amendment, said, that no Member of that House could concur more fully than he did with his noble Friend (Lord John Russell) in every effort to put down corruption and bribery in the constituencies of this country; but he thought they were bound to regard sound constitutional rights and sound principles of justice in dealing with these questions. He thought the fallacy of the argument of his noble Friend was, that he seemed disposed to assume as a fact that in every case where a Member was unseated for bribery, extensive bribery must have prevailed. The noble Lord seemed to think that that was the presumption upon which the House was to act; but he (Mr. Bouverie) took leave to urge that the presumption was altogether the other way, and he thought that even if the presumption was doubtful, the course recommended of suspending the writ was of very questionable policy. He considered that the presumption was against the idea that extensive bribery had prevailed, if a Committee, whose duty it was, if there should be any ground for suspecting that bribery had existed, to inquire into the subject, and to make a special Report to the House, abstained from doing so. Under the Act commonly called Lord John Russell's Act, it was not optional with a Committee to report or not on the subject of bribery; but if they found the slightest trace of extensive bribery, it was their bounden duty to the House to report that suspicion to the House. Where no such special Report was made, however, the presumption was that extensive bribery had not prevailed. Then came the question, whether they ought, acting upon a presumption of this kind, to suspend indefinitely the constitutional rights of a borough. He thought that, under ordinary circumstances, the constituencies had a legal and constitutional right to the issue of the writ as speedily as possible. His noble Friend, as he understood, proposed that there should be an inquiry into all these cases by a Select Committee, and that, until such inquiry concluded, the writ should not issue. With regard to the Bridgenorth case, he understood the noble Lord to say that the writ should be suspended, not on account of the Report of the Committee, or because a petition had been presented to that House, but because a petition might be presented. He (Mr. Bouverie) protested against dealing in this manner with so grave a question as that of issuing writs. He thought it would be a most inconvenient course to suspend indefinitely the issue of writs until the suggested inquiries were brought to a conclusion. He believed that about sixty Election Committees had yet to sit, and at the rate at which Members were being unseated, the probability was that some fifty Members might lose their seats. Although it seemed to be agreed that when there was a special Report the writ should be suspended, he would ask whether the House should go on performing its functions while so many places were unrepresented? He should, therefore, give the Amendment his support.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in all cases when the Seat of any Member has been declared void by an Election Committee on the grounds of Bribery or Treating, no Motion for the issuing of a new Writ shall be made without previous notice being given in the Votes,' —instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SIDNEY HERBERT said, that hon. Members ought at once to banish from their minds every consideration connected with the convenience of the House, and the conduct of its business, in discharge of the great duty which they owed to the public. If the argument of the hon. Member who last addressed the House was good when applied to the inconvenience resulting from unseating the fifty Members who he supposed would be unseated, it would apply equally as well to the inconvenience which would result from unseating those with respect to whom a special Report might be made; and there was no reason why the House should not assume that in every one of these cases special Reports would be made. His noble Friend near him (Lord J. Russell) did not propose to exercise any revision over the proceedings of Election Committees. The duties of those Committees were confined to simply declaring whether an election was or was not valid. Before such Committees, however, no more evidence was offered by the petitioners than was absolutely necessary for the purpose of unseating the sitting Member. In the present state of the public feeling, it was the interest of all parties in that House to show themselves earnest in this matter, and convince the public that they were determined to search the truth to the bottom, and not to trust to the mere accident of how much evidence opposing attorneys might consider necessary in order to obtain the ends which they sought, and which were totally distinct from those proposed by the Select Committee referred to by his noble Friend.

Sir FITZROY KELLY said, he considered that the question before the House had given rise to several points of great constitutional and legal importance. While he concurred with the noble Lord (Lord J. Russell) that this ought not to be treated as a party question, he also thought that the House was bound to respect the decisions of the Committees appointed by Act of Parliament. If there was one point clear, it was that the House was not called upon to consider this question in its judicial character, all the power of the House having been transferred to the Committee appointed under the Act of Parliament. The question as to the suspension of the issue of the writ for a definite or indefinite period was to be considered in regard to its legality, as well as with reference to future legislation on the subject. The House ought not lightly to interfere with the constitutional rights and privileges of any borough, except under very special circumstances, and upon strong and conclusive grounds. When he looked at the cases to which the noble Lord had referred, or perhaps rather imagined, he begged to remind the noble Lord of the Acts of Parliament which provided for such cases as those in which, where the Report of a Committee should warrant it, there should be a suspension of the writ, and a fresh inquiry. In the case where, although only a few acts of bribery might be proved, yet, if circumstances should leave the Committee to infer that bribery on a more extensive scale had been practised, they might, as had been done to-night, make a special Report to the House, and the House, according to a special provision of the Statute, might suspend the writ, and appoint another Committee of Inquiry. He thought there were two or three tangible objections to the course now proposed, namely, the suspension of the writ, and the institution of some further investigation, where such a proceeding was not warranted by the Report of the Committee. In the first place, there was no authority by Act of Parliament or by Common Law to deprive for a time a borough entitled to be represented in that House of the right of exercising the privilege of sending Members to Parliament. Another objection was, that whereas the law, from the time of the Grenville Act, had laboured to make the decision of the Committees final and absolute, the effect of the suspension of the writ would be to do away with all that the Acts of Parliament had done in investing Committees with their exclusive powers. In the very case now under consideration this application was in the nature of an appeal against the decision of the Committee. The right hon. Gentleman the Secretary at War (Mr. Sidney Herbert) intimated that this was a judicial question. It certainly was a judicial question before a Committee. A Committee could examine witnesses upon oath, and possessed all the means which the constitution could place at the disposition of any tribunal to enable it to come to a decision. But that House itself had no judicial power at all. It had been said that wherever a single act of bribery had been committed, but where there was reason to suspect bribery on a more extensive scale, the writ ought to be suspended, and the House ought to consider whether any further investigation should take place; and it had also been urged that if the borough should petition for a judicial inquiry, the writ ought to be suspended. He thought the latter argument had been completely answered by the hon. Member for Kilmarnock (Mr. Bouverie). With respect to the former, he wished to call the attention of the House to the practical mischiefs which would follow the suspension of the writ in every such case. The discussions on the Motion for suspension, and on the Motion for the appointment of a Committee, would be interminable, and would interfere with the practical discharge of the duties of the House. He would therefore venture to submit that the House ought to abide by the decision of the Committee, and that the proceedings of the House ought to be limited to cases in which special Reports had been presented.

The SOLICITOR GENERAL said, it was very true that one kind of judicial power had been transferred to Committees, namely, the power of deciding between the parties on petition. The power of a Committee was limited to that point; but by 15 & 16 *Vict.*, c. 57, if in the course of investigation circumstances should arise which the Committee might think ought to be reported to the House, power was given to them to report those circumstances; and the Statute provided that if the Committee should so report, the Committee should be constituted no longer for the purpose of trying the question between the parties, but that further proceedings for the purpose of trying the general bribery might be adopted thereon by the House. It was a mistake to suppose that the 11 & 12 *Vict.* had been passed for the purpose of giving the Committee anything beyond the strict judicial power of trying the question between the parties. If the Committee should report that there had been extensive bribery, or if the House should have reason to believe that to be the case, it was the duty of the House to inquire. It was then no longer a judicial duty to be exercised between the parties, but by the House sitting in judgment on the borough.

Mr. DEEDES said, that as Chairman of the Blackburn Committee, he felt it due to the Members of the Committee, as well as to the constituents into whose interests it had been their duty to inquire, to say a few words before the conclusion of the debate. He could not see that any distinct course could be followed without violating, if not the existing law, at least the existing custom of the House. There was nothing he would not do to purify the constituencies of the country from the stain that now rested upon them; but he thought the noble Lord (Lord John Russell) was going beyond the law in calling upon the House to adopt what he had rather indistinctly shadowed forth. The noble Lord, if he had understood him rightly, proposed that when a Committee had made a Report, the House was not to be satisfied with that Report if there was any reason to believe that bribery existed in the borough, but to appoint another Committee to make further inquiry. Now he thought that grievous inconvenience would be occasioned by the adoption of such a course, from the contrasting of evidence taken on oath with evidence taken without such solemnity. As regarded the Committee over which he presided, he could assure the House that nothing had been left undone by them to ascertain the real facts of the last election for the borough of Blackburn; and after a most careful inquiry, they had come to the deliberate conclusion that five persons out of a constituency of 1,200—not old freemen, but 10*l.* householders—had suffered themselves to be bribed. So far as the money was concerned, when a man came and said, "there is 2,500*l.* to be spent among you," and he connived at its being spent by his agents, the wonder, therefore, was that more than five persons, out of such a constituency, had not been bribed. If the Committee had had reason to believe either that bribery existed to a greater extent than was proved before them, or that such practices had existed before, they would have specially reported their opinion to the House. But they reported it had been proved that five persons had been bribed, and that treating to a certain extent had existed. But he believed if the 2,500*l.* had not been thrown down in the wanton way it had been, they would not have heard of the petition, and the people of Blackburn would have gone to the election without an allegation of bribery. But unless the House was prepared to adopt the determination that in every case in which bribery had been committed, it should be followed up by a searching inquiry, which, in his opinion, they could not do without an alteration in the law, the case of Blackburn was one which ought to be excluded from the category of those whose cases are to be further investigated. He should vote against the proposition of the hon. Baronet the Member for Westminster (Sir J. Shelley), because, under the circumstances, he objected to the proceedings of the Committee being laid upon the table; and because, after the Committee had determined that, in their judgment, there was no reason for printing the evidence for the purpose of making further investigation, he looked upon the Motion for its production as the first step towards delaying the writ, which the Committee distinctly said ought not to be delayed. Nor did he agree in the suggestion of the noble Lord (Lord John Russell) that the writ should not be moved for without seven days' notice. At the same time it was right and proper that the writ should not be issued without notice. Seven days was too long a period; two or three days would answer every purpose of affording publicity to those who were interested.

Sir BENJAMIN HALL said, he was glad to hear the statement of the hon. Gentleman who had just sat down, because it entirely justified his hon. Friend the Member for Westminster in the course he was pursuing. He quite agreed with the observation that the House ought to be careful in suspending writs, and that they ought to view with jealousy any proposition which might have the effect of preventing constituencies from sending their representatives into that House. Nor ought the question to be viewed as a party question; for hitherto he believed there were about as many killed and wounded upon one side as upon the other. The question ought to be considered upon the broad basis of what was best to be done—whether the writ should issue without the evidence, or whether the constituency should petition the House. The hon. and learned Gentleman the late Solicitor General (Sir F. Kelly) said there might be cases in which the House had to some extent handed over its judicial functions to a Committee, and special cases in which the writ ought not to issue. But how was the House to arrive at the special case unless they had the evidence before them which the Committee had taken? And in this particular case the evidence was necessary in order to see whether there was or was not in this instance a special case. They were informed that in the case of Blackburn 2,500*l.* were spent, but that only five persons had been bribed. Was it meant that those five persons had 500*l.* each? That could hardly be; at all events this was a circumstance which showed the necessity of the House having the evidence before it, in order to have the means of forming an opinion upon the case. He knew well enough that in the Committee the parties stopped just when they had proved enough, and everything else was unknown to the Committee. He had himself had some experience to his cost in Election Committees; and he would ask whether any man could go into an Election Committee underan expense of from 100*l.* to 300*l.* a day? Was not that a serious fact? He knew the case of a contemptible borough in the west of England, where the sitting Member had to defend his seat at a cost of no less than 10,000*l.* When these things were considered, the House might depend upon it that parties would stop when they had proved just enough; but the effect was that the Committee had not the whole information before them. He contended that it was a bad precedent for the Chairman of a Committee to oppose a Motion for the production of the evidence. Was not that a strange case in which the Chairman of the Committee himself admitted that he knew of 2,500*l.* being spent in bribery and treating?

Mr. DEEDES said, he must beg to explain. What he said was—that a sum of 2,500*l.* had been lodged, but that there was no evidence of how it had been spent. In fact, the evidence before the Committee led to the belief that a considerable sum was unexpended.

Sir BENJAMIN HALL: Then the House was yet in the dark. Let the whole truth come out. The hon. Gentleman (Mr. Deedes) was himself so immaculate that he innocently believed the whole of the 2,500*l.* had not been spent in the way imputed; but he (Sir B. Hall) believed that the entire sum had been spent in gross bribery. The very doubt that existed on the matter showed the necessity of having the evidence before them. He should vote for the original Motion.

Mr. KER SEYMER said, his experience upon Election Committees had convinced him that it was hardly possible for any case of extensive corruption to escape their cognisance. Under such circumstances the Committee would undoubtedly move that the evidence be printed, and, if necessary, that further steps should be taken. This being the case, he trusted that the hon. Member for Westminster (Sir J. Shelley) would not enter upon a course which would inevitably lead to a great practical evil—that of making the issue of new writs turn upon party considerations, the old system which reflected discredit upon the House of Commons.

Mr. STUART WORTLEY said, he should support the Amendment. The hon. Baronet the Member for Westminster had laid no ground for his Motion—a Motion which was inconsistent with the Report of the Committee, and had a tendency to dispute their decision. The Amendment of the hon. Member for North Wiltshire (Mr. Sotheron), on the contrary, was reasonable, because the mere fact of bribery at an election having been reported, though confined to a few instances, raised a suspicion that if somebody else had been before the Committee more information would have been obtained. Now, to meet such a case there was a clause which enabled any of the constituency, or any person who had been a candidate, to present a petition at any time within three months complaining of general bribery; and upon such petition a Committee might be appointed in all respects like an Election Committee—the members of which were sworn themselves, and heard the witnesses upon oath—at the public expense. The great matter for the consideration of the House was, what was to be done under the circumstances which had been discussed. Hon. Members were all aware of the delicacy of suspending writs, but he hoped they were all in earnest in the determination which had been expressed to put down corrupt practices. He hoped, therefore, that the proposition which had been shadowed forth, rather than formally made, by the noble Lord (Lord J. Russell) might be adopted. It should be recollected that the House transferred nothing to Election Committees but the trial of question between party and party, and he apprehended, therefore, that the noble Lord would not trespass on the power and authority of Election Committees by founding proceedings upon the Act of last Session.

Mr. BRIGHT said, he did not see the necessity for a division, as most hon. Members seemed to approve of the Amendment of the hon. Member for North Wiltshire. At the same time, if the Motion for printing the evidence in the Blackburn case was pressed, he should vote for it. It could do no harm to have the facts of the case before them; and he hoped at the same time that it would do good to the borough of Blackburn. If the seven days was allowed for the purpose of forming an opinion, or bringing forward a case, the House ought to have all the information that could be given. He would suggest that the Motion and Amendment should be agreed to.

Mr. SOTHERON said, he wished that the time should be seven days, and then he should not object to the printing of the evidence.

Lord JOHN RUSSELL said, that if a division took place, he should vote in favour of the proposal for suspending the writ for seven days. He considered that the hon. Gentlemen who argued this question had lost sight entirely of the Act of last year. They seemed to consider this proceeding an imputation on the Committees. The Act of last year especially provided for cases of this kind. [The noble Lord read the clause.] Therefore, if it was thought proper on a future day to move that a Select Committee should inquire into these two cases, he conceived that it would be perfectly competent to do so, founding his opinion on this Act of Parliament. He must say, there seemed to be an unnecessary sensitiveness on the part of Chairmen of Committees, as though it were insinuated that they had not pursued the inquiry far enough. But this was not so. Had the Blackburn Committee been appointed to inquire into corrupt practices in that borough, it would have been their duty, finding that 2,500*l.* had been spent on the election, to inquire how that 2,500*l.* had been expended. Their duty was only to inquire into the return: upon that they had reported; and they had very properly not carried their inquiry further, because they could not compel the counsel and agents to go on.

Colonel BOLDERO said, that as one of the Members of the Blackburn Committee, he had no objection to have the evidence printed.

Mr. DEEDES said, that if the House adopted the Resolution that seven days' notice should be given, he should not, as Chairman of the Blackburn Committee, or personally, object to the evidence being printed.

Mr. PEACOCKE said, that there were other boroughs as notorious for corruption as either Blackburn or Bridgenorth, and it was not fair that they should escape. He would take an early opportunity of calling the attention of the House to the subject.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered—" That the Minutes of Evidence taken before the Select Committee on the Blackburn Election Petition be laid before this House."

CHATHAM ELECTION.

Mr. BRAMSTON (the Chairman of the Chatham Election Committee) appeared at the bar and reported to the House that the Committee had determined, that Sir John Mark Frederic Smith is not duly elected a Burgess to serve in this present Parliament for the Borough of Chatham: that the last Election for the said Borough is a void Election; and that the Committee had agreed to the following Resolutions:—

" That it was proved to the Committee that Joseph Greathead, an Elector of Chatham, had been bribed by a situation as a letter carrier in the Post Office, obtained for his son, Charles Greathead, by Sir John Mark Frederic Smith.

" That it was proved before the Committee, that a large number of the Electors are employed in Her Majesty's Dock Yard and other public departments at Chatham, and that they are under the influence of the Government for the time being; and it appears that there is no instance of a Candidate being elected for this Borough who has not had the support of the Government.

" Under these circumstances, it will be for the House to determine, whether the right of returning a Member should not for the future be withdrawn from the Borough of Chatham.

" That it is the opinion of this Committee, that there are strong grounds for believing, that Stephen Mount, in giving his evidence before the

Committee, has been guilty of wilful and corrupt perjury."

Report to lie on the table.

Minutes of the Evidence taken before the Committee to be laid before this House.

BRIDGENORTH ELECTION.

Order read, for resuming adjourned Debate on Question [3d March], "That the Minutes of the Evidence taken before the Select Committee on the Bridgenorth Election Petition, be printed."

Question again proposed.

Debate *resumed.*

Mr. PHINN said, it would be of no use to prosecute the persons bribed unless they were determined also to prosecute the bribers. He thought that the evidence ought to be printed in all cases, in order that they might judge whether the Government should instruct the Attorney General to prosecute the parties.

Sir HENRY WILLOUGHBY believed the House was on a wrong scent; for if they thought the evidence would disclose any reason why they should suspend the writ for Bridgenorth, they were grossly mistaken. He thought that justice should be done even to the sitting Members. It was alleged in the Bridgenorth case that gross bribery had prevailed—not a shadow of that was proved. It was said that thirty-four houses had been opened for treating; twenty-three of them had entirely vanished. The only case of bribery proved was the payment of an old Bill; and on that question the Committee was divided—the three Government Members voted one way, and the two Opposition Members the other. The case was altogether different from that of Blackburn. Why, the Committee had even allowed the sitting Member a large portion of his costs.

Question put, and *agreed to.*

BRIDGENORTH WRIT.

Order read, for resuming adjourned Debate on Question [1st March], "That the Writ for the Borough of Bridgenorth be suspended till Tuesday the 15th day of this instant March."

Question again proposed.

Debate *resumed.*

Sir JOHN SHELLEY said, he understood that a petition, numerously signed, was expected to arrive from this borough to-morrow. His purpose would be answered by having the seven days' notice. The inhabitants of these boroughs ought at any rate to have an opportunity of representing their case, and seven days would be sufficient for that purpose. He had not been influenced in any way by party motives. In the two boroughs whose cases they had discussed, one Member sat on one side the House, the other on the other. With reference to these horrible and most disgraceful transactions, it was the duty of the House, if they did not wish to lose caste in the country, to show their determination to sift the matter to the bottom.

Motion, by leave, *withdrawn.*

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 8, 1853.

Minutes.] Public Bills.—1ª Mutiny; Marine Mutiny; Slave Trade (Sohar in Arabia); Slave Trade (New Grenada); Copies of Specifications Repeal.

BANKRUPTCY COUNTY COURTS.

Lord BROUGHAM *presented* a petition from Merchants, Tradesmen, and inhabitants of Margate and of Brighton, in favour of the District Courts of Bankruptcy Abolition Bill. The petitioners complained of the expenses and vexatious delays occasioned to them in their trade by the present state of the administration of the bankruptcy law; and of the great distance they were obliged to travel for the purpose of resorting to the bankruptcy courts. The distance they had to travel was sometimes 70, 80, or even 90 miles, and they prayed that their Lordships would give their assent to a Bill which was now before their Lordships for vesting in the County Courts jurisdiction in bankruptcy. It was impossible for him to present these petitions for the purpose of extending the jurisdiction of the County Courts, without calling the attention of their Lordships, and once more entreating that of his noble Friends of Her Majesty's Government, to the immense importance of the system of local judicature. He would only mention one circumstance, for the purpose of illustrating that which, indeed, no arguments were required to prove, but which was itself a proof of the vast importance of that jurisdiction. By the Superior Courts of Westminster-hall, in the course of one year there were somewhat under 2,000 writs issued and sent to be tried in all the circuits including the sittings for London and Middlesex. More than half of those cases, all of which were tried, and on which verdicts were given, and judgments entered up, were for amounts under 50*l.*, which was the extent for which local courts could issue process; consequently more than half of the cases tried by the Superior Courts in that one year in those circuits might have been tried much more expeditiously and infinitely more cheaply in the County Courts. The County Courts had a concurrent jurisdiction to the extent of 50*l.*; and how many causes did those Courts try, during the same period of time, where the cause of action was between 20*l.* and 50*l.*? He would say nothing of the 100,000 causes under 20*l.* Why, the number of cases which the County Courts tried, where the cause of action was between 20*l.* and 50*l.*, during the same period of time, was 6,000. Let him repeat, that while the number of causes tried by the Supreme Courts under 50*l.* in a given space of time was under 1,000, the number of causes tried by the County Courts was 6,000 during the same time, and for the same amount. Anything more monstrous than the present state of the law upon this subject he could not conceive. The whole salaries of the Judges of the Supreme Courts were now most properly and most justly paid, not by the suitors, but out of the Consolidated Fund. It was the bounden duty of Government and of Parliament to provide for the people of the country the whole expense of the administration of justice; but in the County Courts, where that immense mass of business was conducted to the infinite relief of the suitor, even saddled as he was with the expense of which he (Lord Brougham) complained—in the County Courts, instead of the county paying the expense, the poor suitor paid the expense, and because he was less fit and less capable of enduring the burden, it was therefore, as it would seem, that he was saddled with the expense of the administration of justice. This was an anomaly which he trusted he should not long have occasion to press upon the attention of Parliament. No less than 174,000*l.* were extorted, he might say, from these poor suitors in the County Courts to pay the expenses of administering the law to them, besides which sum they had to pay near 100,000*l.* more to the General Fee Fund; and what made the case more monstrous and anomalous was, that after all the expenses of the Court had been paid, there was a surplus left, and that surplus went to the Consolidated Fund.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 8, 1853.

MINUTES.] PUBLIC BILLS.—1° Pilotage; Probates of Wills and Grants of Administration.
2° Indemnity.
3° Designs Act Extension.

ESTABLISHMENT OF MINTS IN AUSTRALIA.

MR. BASS said, he wished to put a question to the hon. Secretary for the Treasury with respect to the gold coinage. It had been understood by the country that an intimation was given by the right hon. Gentleman the Chancellor of the Exchequer last evening that it was intended by the Government to establish mints in the Australian Colonies, and it was a point upon which much curiosity had been expressed to know in what particular parts of those Colonies the Government would sanction those establishments.

MR. J. WILSON said, that with respect to the establishment of mints in Australia, he thought he might say that the Government had come to the conclusion that it was a question which was more to be determined by the Colonies themselves than by this country, and consequently the Government were disposed to afford every facility which the Colonies might require for that purpose. With regard to the place where the mints were to be established, the only part of the Australian Colonies which had yet demanded such a convenience, and which had supplied the necessary funds, was Sydney, and from that Colony 10,000*l.* had been received, which would be applied immediately to the purpose intended. The Government would then be ready, on the understanding that this country would become liable for no part of the charge incurred, and that the mints would be placed under such due regulations as might be necessary for the security of the public, and for obtaining a proper quality of coinage, to grant a similar convenience to every one of the Australian Colonies which might be willing to comply with these conditions.

SHERIFF COURTS (SCOTLAND) (No. 2).

MR. CRAUFURD said, in rising to ask for leave to bring in a Bill to alter the constitution of Sheriff Courts in Scotland, he wished to state that his original intention was to have moved for a Committee of Inquiry; but the right hon. and learned Lord Advocate having given notice of a

Bill on the same subject, he (Mr. Craufurd) had suspended his Motion, in the hope that the Government measure would remedy all the evils complained of. That Bill had, however, completely disappointed him, retaining as it did what he conceived to be the great evil of the present system, namely, the double shrievalty in the Scottish counties; while, on the other hand, he found that his Motion for a Committee of Inquiry would be resisted by the Lord Advocate. For these reasons he had determined upon introducing a Bill; and if his right hon. and learned Friend the Lord Advocate did not oppose the second reading, he would consent to its reference to the same Committee as the Government Bill, when probably an efficient measure might be extracted from both. The Bill he now asked leave to introduce, went to abolish the offices of Sheriffs Depute and Substitute, and empowered Her Majesty to divide the counties into districts, for the establishment of local Judges. It created Sheriffs in lieu of the Sheriffs now existing, who should be resident, and the only Judges in matters of fact up to 50*l.* At present the Sheriffs had summary jurisdiction up to 8*l.* 6*s.* 8*d.*, and he proposed to extend it to 50*l.*, with no appeal on matters of fact, nor any on matters of law up to 20*l.* It provided for the qualifications of Sheriffs, and defined their several powers—among others, that of deciding in a summary manner, with the consent of parties, beyond 50*l.*, and of summoning witnesses from England or Ireland. The salaries of the Sheriffs' Depute were now exceedingly inadequate; at any rate, as compared with those of the English County Court Judges. Besides having to deal with cases of the nature of those tried in the English County Courts, the Scotch Sheriffs exercised a large jurisdiction in criminal matters, bankruptcy, insolvency, and consistorial and maritime cases. And yet, while the English Judge received from 1,000*l.* to 1,500*l.* a year, the Sheriff Substitutes of Scotland had not more than 250*l.* to 450*l.* per annum. It was proposed, therefore, by his Bill to increase their salaries; but, on the other hand, to abolish the payment of fees to them for attendance in the Registration Courts as revising barristers—a system which had long been condemned in England as inevitably tending to produce unnecessarily long sittings. The great difference between his Bill and that of his right hon. and learned Friend the Lord Advocate was, that what he proposed to abolish, his right hon. and learned Friend proposed to retain. In favour of that retention the right hon. and learned Lord Advocate quoted the Reports of the Commissioners of 1818 and 1834; but the fact was, that there was no abuse for the support of which an authority could not be found in the records of Parliament. If Sir Islay Campbell were quoted against him, he would remind his right hon. and learned Friend the Lord Advocate, that that distinguished lawyer had also said that if one of the five Exchequer Barons in Scotland were removed, there would be an end to the administration of justice, and yet not many years afterwards Lord Chancellor Brougham abolished the whole five. The fact was that the success of the County Courts in England had made the people of Scotland impatient for speedy and effectual justice; and it should not be forgotten that these very County Courts had been strenuously opposed by the present Chief Justice of the Common Pleas. What the people of Scotland required was that the same system which had worked so well in England should be extended to them; that the two offices of Sheriff Depute and Sheriff Substitute should be united; and that the procedure of the Sheriffs' Courts should be assimilated to that of the County Courts here. He also proposed that the appeal should be direct to the Court of Session, instead of to an advocate sitting in Edinburgh, and that thus a complete local, inexpensive, and speedy system of administering justice should be established. The objections he had taken on the occasion when the right hon. and learned Lord Advocate first introduced his measure, caused him (Mr. Craufurd) to state to the House that the Bill of his right hon. and learned Friend would not satisfy Scotland. The defects in that Bill were the maintenance of written pleadings, though in a modified form, in all cases between 12*l.* and 50*l.*, and of the appeal to the non-resident Sheriff in Edinburgh, merely on the written statements against the judgment of a resident Sheriff who had heard oral pleadings. The great evil of the system was, that the appeal was both on the fact and on the law. This necessitated the enormous mass of writing which created the expense of proceedings in the Sheriff Courts. The maintenance of the double Sheriffs mainly depended on the maintenance of this system of appeal, and as the right hon. and learned Lord Advocate took a determined stand on the preservation of the office of Sheriff Depute, he was necessarily precluded from going further than he had done in abolishing written pleadings.. In his own Bill, he (Mr. Craufurd) at once got rid of the difficulty by creating one local competent Judge who should decide all questions of fact without any appeal, up to 20*l.*, and beyond 20*l.* up to 50*l.*, with an appeal to the Court of Session on points of law. Objections were made to this final power of deciding on facts, and, if necessary, the means might be introduced for correcting erroneous decisions, such as existed in the English County Courts, namely, by granting a new trial on the facts before the local Judge, or by giving the parties the option of a jury. This latter proviso he should not be disposed, however, to lay much weight on, as jury trials are not popular in Scotland. Whatever might be the settlement of the details, he was satisfied of this, that the Bill he proposed to introduce was a much more accurate representation of the want and feeling of the great mass of the people in Scotland, out of Edinburgh, than was the Bill of his right hon. and learned Friend the Lord Advocate. He could adduce abundant evidence of that feeling, which was embodied most prominently in the following Resolution passed at a very large meeting of bankers, merchants, manufactures, traders, and other inhabitants of Glasgow, presided over by the Lord Provost, which was as follows:—

> "That the Bill introduced into the House of Commons by the Lord Advocate of Scotland for the improvement of the Sheriff Courts of Scotland, contains various useful provisions; but by perpetuating the present system of double sheriffs, and the expense, delay, and uncertainty which are the unavoidable consequence of this erroneous system, it falls far short of the just expectations of the country."

When he reflected on the course so honourably and successfully pursued in the establishment of County Courts by the present hon. Under Secretary of State for the Home Department (Mr. Fitzroy), and that the present hon. and learned Attorney General, who supported the County Court movement, as well as his hon. Friend (Mr. Lowe), a well-known law reformer and supporter of County Courts, now sat on the Treasury Bench, he could not but draw good omen for the fate of the measure he now proposed to introduce.

MR. JOHN MACGREGOR, in seconding the Motion, said, that the object embraced in it was one that engaged the attention of the whole of Scotland out of the Parliament House of Edinburgh. The general opinion was, that the present system of local adjudication was but a remnant of the heritable jurisdiction of ancient times, and the office of sheriff was looked upon in the light of a sinecure retirement for the Edinburgh advocates. The Bill of the right hon. and learned Gentleman the Lord Advocate, though it undoubtedly contained much that was good, would not give satisfaction in Scotland. What was demanded by the people of that country was local Courts, founded as nearly as possible upon the principle of the County Courts of England; that these Courts should have jurisdiction to the extent of 50*l.*, and that the appeal from their decision should be, not to a single Judge at Edinburgh, but to the Court of Session. Believing that his hon. and learned Friend (Mr. Craufurd's) measure would meet the requirements of the case, he had much pleasure in seconding this Motion.

The LORD ADVOCATE said, that although it was not his intention to oppose the Motion, or throw any obstruction in the way of the introduction of the Bill of the hon. and learned Member for Ayr, he must be allowed to say that he did not think that the course which had been adopted by his hon. and learned Friend was the most convenient that could have been pursued, or the readiest way of attaining the end which he professed he had in view. He (the Lord Advocate) had introduced a Bill on the subject of these Local Courts early in the present Session, and had fixed the second reading for Thursday next; but understanding that many hon. Gentlemen, especially Scotch representatives, wished for more time to collect the opinion of the country on the subject, he postponed the next stage to a more distant period. It was the intention of the Scotch Members to take the usual, and, in his opinion, a very wise course, namely, to meet together for the purpose of discussing the various matters connected with that Bill, and to ascertain the various sentiments of their constituents previous to its second reading. He could not help thinking that his hon. and learned Friend would have acted wisely had he postponed the introduction of his measure until the Scotch Members had had an opportunity of ascertaining each other's opinions upon his (the Lord Advocate's) Bill. However, he had no other object than to obtain for

Scotland the best measure which, by the aid of others' opinions and his own judgment, he could frame. And as his hon. and learned Friend thought that his measure would be serviceable to Scotland, he (the Lord Advocate) could not refuse to allow him to introduce his Bill, nor could he refuse to consider its provisions. He could not, however, give his hon. and learned Friend the assurance that his measure would receive his (the Lord Advocate's) support. And he might at once openly avow that he believed the Bill of his hon. and learned Friend to be, not a step in the direction of reform, but as mischievous and retrograde a step as could have been adopted. It appeared to him that the system which the Bill of his hon. and learned Friend wished to attack, namely, the system of appealing from the local Judge who tried the matter, to a Judge of the Superior Courts at Edinburgh, was one of the most advantageous provisions that could be devised for administering justice in Scotland. His hon. Friend the Member for Glasgow had drawn an unfavourable contrast between the English and Scotch courts. He (Mr. J. Macgregor) complained that whilst Scotland had to endure the Civil Law, England was blessed with her "Common Law." Now, the principles of law in Scotland were infinitely more simple than those which prevailed in England. Why, did his hon. Friend really mean to say that the people of Scotland ought to grieve because they had not a system of law which was full of fictions, and to reform which the most indefatigable efforts were being made by the people of England? He thought they were well entitled to have this measure judged upon Scotch principles and by Scotch precedent. The hon. Member said it would get rid of an inconvenience in respect to the present double jurisdiction; but he would remind the hon. Member that that was part of a larger system than he was aware. The Sheriff was not a mere local Judge in cases not exceeding 50*l.*, as would appear from the speech of the hon. Member, inasmuch as by far the greater proportion of the cases brought before him were in respect to sums above 50*l.*, and also with regard to possessions, interdicts, and other matters not capable of being estimated by money. The simple grounds on which he (the Lord Advocate) opposed the Bill, were first, that it would materially impair the judicial functions of the Sheriffs; and, secondly, that it would cut up by the roots the administrative functions of the Sheriffs. Complaints had been made, no doubt, and grievances might doubtless be found; but in his opinion, those grievances might be remedied, and the cause of those complaints done away with, without making the office under an organic charge. The hon. Member said that they were sinecures and political appointments, to which the best men were not nominated. He (the Lord Advocate) ventured to say that there never was a statement made which had a greater degree of exaggeration. So far from the best men not being appointed, it was a fact that there was hardly a lawyer of eminence at the Scotch bar who had not been a Sheriff Substitute; and seven out of the thirteen present Judges had held that office. So had the present and the late Solicitor General, and most of their predecessors. With regard to its being a sinecure, he admitted that in some counties there was not much to do. If, however, it could be shown all of them had as little business as those to which he alluded, he could not support the Bill; but, in the larger counties, there was a vast amount of exceedingly important business devolving upon the Sheriffs. But, besides their position as Judges, the Sheriffs were the organs through which the county was governed, and the persons with whom the Lord Advocate communicated on subjects affecting the general welfare. If they were destroyed, a link would be taken out of the chain, which would diminish the strength of the Government in Scotland in a manner not easily calculable. The hon. Member had spoken of opinions, and he should, therefore, offer no apology for laying before the House the opinion of Lord Chief Justice Campbell, delivered in a speech in that House, when, in 1833, as Attorney General, he opposed a similar measure to that of the hon. and learned Gentleman. Lord Campbell then said that he thought the system an admirable one which brought the law home to the poor man's door. Again, the hon. and learned Member said, that his (the Lord Advocate's) Bill would not satisfy the country. He expected that some would be dissatisfied; but the Faculty of Advocates in Edin- had come to an unanimous resolution against any change in the offices of Sheriff Principal and Sheriff Depute. He had been appealed to as a law reformer, and he was most anxious indeed to deserve that name, but could not consent to obtain that name by the sacrifice of one of the most useful institutions in the country.

MR. HUME said, he was rather surprised at the course taken by the right hon. and learned Lord Advocate in reference to the Motion for leave to introduce this Bill. With regard to the encomiums which the right hon. and learned Gentleman had passed on the existing system of administering justice in Scotland, he (Mr. Hume) recollected the time when similar encomiums were lavished on the Court of Chancery year after year, yet he had lived to see those statements falsified in the reforms which public opinion had forced upon that institution. What did the people of Scotland want in this case? They only wanted to be placed in the same situation as regarded the administration of the law as that in which the people of England stood. Again, we were living in an age of strict competition. Why then should the right hon. and learned Advocate object to his (Mr. Hume's) hon. and learned Friend (Mr. Craufurd) trying his hand at legislation? He (Mr. Hume) contended that it was high time that the law of Scotland should be made more in accordance with that of England. If there was one thing more desirable than another in matters of that kind it was the abolition of sinecures; and if the government of Scotland depended on the maintenance of those sinecures, he thought the sooner that government was altered the better. He would suggest that time should be allowed for ascertaining the opinions of the people of Scotland in regard to this question; and if that was done he had no hesitation in saying that the right hon. and learned Lord Advocate would find three to one against the maintenance of this sinecure office, and four to one in favour of an assimilation of the law of Scotland to that of England.

MR. EWART said, that reference having been made to a representation from Dumfriesshire on this subject, he was bound to declare that up to the present moment he was of opinion, gathered from a statement of facts, that the people of Dumfries were very much in favour of a single Judge. With reference to the subject of law reform, he was afraid, if the House left all law reforms to lawyers alone, those law reforms would proceed at the slowest possible rate. It might be true that all the law reforms in this country had been effected by lawyers; but it was indisputably true that they had been stimulated by public opinion. Lawyers were happily become law reformers; but unless they had been stimulated to it by the pressure of public opinion, they would have slumbered on, and never have entered on the enterprise in which some of the most eminent of them were now embarked. The main question now was, whether the people of Scotland were to have two Judges where he considered one only was necessary. He should have been glad to learn from the right hon. and learned Lord Advocate that he consented to the Bill of his hon. and learned Friend (Mr. Craufurd) going before a Select Committee, and whether that Bill and the measure of the right hon. and learned Lord Advocate went before the same Select Committee, it would be competent for the Committee to hear evidence on the subject before them. With reference to the remuneration of the Sheriffs, he must say the Sheriff Substitute was in many cases very inadequately paid. In the district with which he was connected as a representative, great fatigue and labour were undergone by the Sheriff Substitute, and he was, nevertheless, greatly underpaid. In Ireland local Judges had been appointed under the name of assistant barristers; in England County Court Judges had also been appointed; and it was desirable that the same principle should be carried out in Scotland. He would only say, in conclusion, that he thought it in the highest degree desirable that there should be some uniformity in the law of the three divisions of the Kingdom. That was "a consummation devoutly to be wished," and the facts as well as the wish were gradually tending towards it.

MR. FORBES MACKENZIE said, in reference to what had fallen from the preceding speaker, he hoped that the right hon. and learned Gentleman opposite the Lord Advocate would not consent to allow his Bill, and that of the hon. and learned Member for Ayr burghs (Mr. Craufurd) to go concurrently before a Select Committee; for his experience led him to believe that such a course would be attended with the worst possible result. He was a Member of a Committee at that moment, which had two Bills before them, and he could assure the House that it was found no easy matter to carry on their business. The hon. Member for Montrose (Mr. Hume) spoke of the offices of Sheriff Depute and Sheriff Principal in Scotland being sinecures. He believed that there was no gentleman resident in Scotland who would join in that assertion; for his part he believed that they were most useful officers, and he believed that if the proposal of the hon. and learned Gentleman opposite were carried out, that a blow would be thereby struck at the criminal and civil jurisprudence of Scotland which it would not soon recover. He would also beg to remind the hon. Member for Dumfries (Mr. Ewart) that the experiment of the County Courts in England was as yet comparatively untried—that they were still presided over by gentlemen of professional eminence. But the question remained still to be solved, whether or not when the Judges came to be men who were debarred from practising in the Superior Courts, the utility of these County Courts might not be so far detracted from as that England would be obliged to revert to the principle which had been abandoned, or adopt the system of Scotland.

Mr. FERGUS said, he thought the Scotch representatives in that House would be ungrateful indeed if they did not acknowledge that to the right hon. and learned Lord Advocate the people of Scotland owed some of the most useful and extensive reforms in the law, and some of the most able adaptations of the practice. He (Mr. Fergus) was anxious that the law and the practice of Scotland should be assimilated to those of England in cases where experience had proved the law and practice of England to be superior, and where such an assimilation would be an undoubted improvement; but he saw in the Motion of the hon. and learned Member (Mr. Craufurd), not an improvement, but a very rash innovation. He (Mr. Fergus) was not an Edinburgh lawyer, and he was not therefore tinctured with the prejudices of the profession; but from long residence in Scotland he thought the Sheriffs Depute were a valuable part of the law of Scotland, and that there were undoubted advantages in the appeal from the local Judge to the Judge in Edinburgh, which he, for one, should be very sorry to see lost to the people of Scotland.

Mr. WHITESIDE said, he wished merely to say, in reference to what had fallen from an hon. Member opposite on the subject of the Irish assistant barristers, and on the utility of resident Judges, that important as were the functions performed by these learned gentlemen, they were not resident in the counties over which they presided, and that immediately on the termination of the civil and criminal business they returned to their practice in Dublin. Indeed, many of them were amongst the ablest men at the Irish bar, and were in the receipt of considerable emoluments from their practice. Now, the consequence of that regulation was, that those gentlemen being permitted to reside in Dublin, and being not unfrequently changed from county to county, were quite out of the way of acquiring local connexions or local prejudices—an advantage which the House could not fail to appreciate.

Viscount DRUMLANRIG said, that with all due deference to the zeal of his hon. and learned Friend the Member for Ayr, he considered he had not acted very judiciously in asking for leave to bring in his Bill at the present moment. The right hon. and learned Lord Advocate, in his opinion, had outstepped the bounds of courtesy in giving his sanction to the introduction of any such Bill. There was, no doubt, great excitement in Scotland existing on this question. There was a fixed determination come to that some law reform in the Sheriffs' Courts must be adopted; but surely it would establish a very awkward precedent if, when the right hon. and learned Lord Advocate had not only brought in a Bill, but had intimated in the most courteous manner his anxious desire to meet the Scotch Members in a body, to listen to their suggestions, to accept all practical advice from them, and from other interested parties in Scotland—it would surely establish a bad precedent if an inexperienced and new Member were encouraged to come forward in so inopportune a manner, and press on the House his own independent measure. He was sure that the Scotch Members, if they had been appealed to in a body, would have supported the right hon. and learned Lord Advocate, had he been disposed to oppose the present Bill. The right hon. and learned Gentleman had shown the greatest courtesy to all Scotch Members, and he regretted the hon. and learned Member for Ayr had not had more experience, else he would have waited till the Scotch Members had met, and until the right hon. and learned Lord Advocate had read his Bill a second time. Alterations might be proposed in Committee. As the Member for Dumfriesshire he had several suggestions to make. The convener and others in the county of Dumfries had taken a very strong and able lead in the call for law reform, and when the Commissioners of Supply met in January last, at which meeting the resolutions were proposed which he (Lord Drumlanrig) had given that night to his right hon. and learned Friend to read, and which resolutions seemed so much to surprise the hon. and learned Member for Ayr, there was a unanimous desire expressed that all parties should wait till after the right hon. and learned Lord Advocate had brought forward his Bill. They hoped that Bill might be referred to a Select Committee; but, whatever might be the difference of opinion as to whether two Sheriffs or one should be maintained, or how far an extension of the Small Debts Court should be carried, he (Lord Drumlanrig) was certain no body of Scotchmen would approve of the fact of law reform being so prematurely taken out of the right hon. and learned Lord Advocate's hands, and the case transferred to the mercies of an English lawyer. He willingly acquitted the hon. and learned Member for Ayr of anything like want of courtesy to the right hon. and learned Lord Advocate; but he did not think his present step a judicious one, and he also considered the present act a bad precedent.

MR. FORBES said, he must confess that he was somewhat startled to hear the observations which had fallen from the noble Lord who had just sat down. The noble Lord seemed to think that the right hon. and learned Lord Advocate having introduced a Bill, nobody ought to find fault with it; in short, that the Government of the day having introduced a Bill, the House ought to pass it *sub silentio*. The hon. and learned Member for Ayr burghs had only done what he thought he had a right to do in the discharge of his duty to his constituents. The hon. and learned Member had a perfect right to bring in a Bill, particularly on a subject of this kind, in which all Scotland were deeply interested. He (Mr. Forbes) must say that according to the information before him the people of Scotland did not seem altogether in love with the Bill of the Lord Advocate —a fact, perhaps, which would greatly surprise him. And he would further say, that if the Government should oppose the second reading of the Bill now before the House, their conduct in so doing would be very unfavourably contrasted with that of the late Administration, who were not found fault with on account of their too great liberality, but who nevertheless consented that the Bills of his right hon. and learned Friend the late Attorney General for Ireland, and that of the hon. and learned Member for the County of Kilkenny (Mr. Serjt. Shee), relative to the Irish land question, should go, *pari passu*, before the same Committee. He must say it seemed to him to be quite out of accordance with liberal ideas—and, of course, they were all Liberal now—to refuse a second reading to a Bill in favour of which the people of Scotland held very strong opinions.

DR. J. PHILLIMORE said, the Bill of the right hon. and learned Lord Advocate involved this simple principle: There was a Judge in the county who heard the case, having the parties before him; and when an appeal took place he sent up the papers to a Judge in Edinburgh, who did not hear the parties, but who decided upon the case. Was such a thing not a monster in jurisprudence?

MR. DUNLOP said, in Scotland they might boast that while in England no man could recover the smallest debt without coming to Westminster, they had for centuries enjoyed the privilege of recovering all debts in a cheap, easy, and simple way. The County Courts in England were truly a borrowing from Scotland, extending in some degree the amount of jurisdiction; and now they turned round, saying they would confer upon Scotland the boon of County Courts, as if nothing of the kind had existed before in that country. The case was not exactly as it had been put by the hon. Member for Dumfries (Mr. Ewart) that in Scotland two Judges were doing what one did in England. The Sheriffs in Scotland were not only at the head of the police, but had to hear actions for debt, and almost every other class of action besides, so that there was an immense mass of business, and it would be impossible to give to them anything like the great extent that was consigned to the County Courts in England. He was most anxious to treat the Bill of the hon. and learned Member (Mr. Craufurd) with the fullest impartiality; but he thought great difficulties would attend its adoption, particularly the entrusting a single Judge with the power of giving final judgment in cases which came before him. Nor, on the other hand, did the Bill of the right hon. and learned Lord Advocate altogether meet his views. He limited too much the small-debt jurisdiction. There was in his (Mr. Dunlop's) opinion no reason why all sums above the small-debt jurisdiction should not be dealt with in the same way. The present system was not what had been stated by an hon. and learned Gentleman opposite (Dr. J. Phillimore)—that one Judge heard the evidence and decided, and that his judgment was reviewed by another Judge who did not hear the evidence—for at present neither Judge heard the evidence, and it was all taken by examiners and reduced to writing, and then brought before the Sheriff. The right hon. and learned Lord Advocate's Bill, however, did away with these written proofs, and in this respect effected a great improvement. He should have preferred greatly leaving to the Sheriff Substitute the police and the summary jurisdiction, and that the Sheriff Principal should have all the other cases that came under his jurisdiction, making circuits to the places in which these cases ought to be tried. It was a fact greatly in favour of the care and accuracy with which the Sheriffs executed their functions, that out of 14,000 cases not more than 110 had been appealed against to the Court of Session.

Lord JOHN RUSSELL: Sir, before this discussion closes, I wish to say a few words upon the general principles on which the judicial system of Scotland appears to rest. That system has always seemed to me singularly well adapted to procure the good administration of justice; for it would appear that, considered with regard to the general principle, you by it attain justice speedily, and you consequently attain it cheaply. But if you make the system entirely local, you run the danger that the Judge, who is resident, becomes too much connected with the locality in which he is placed; and, likewise, not having the means of appealing to those higher sources of jurisprudence in the great central Courts, he is hardly able to give any decision in conformity with the opinions of the most enlightened and highest Judges of the country. Upon the other hand, if you have your system of justice entirely dispensed by the central Courts, you have then the evils of expense and delay. It appears to me desirable, therefore, that you should combine the advantages, and, if possible, avoid the disadvantages of the two systems. There are different means of doing this. The hon. and learned Gentleman the Solicitor General for Ireland under the late Government (Mr. Whiteside) stated that the mode in Ireland is to appoint a gentleman from the Bar, who attends as assistant barrister in his own Court, and presides over the Court of Quarter Sessions, and, being also a practising barrister in the higher Courts in Dublin, he is, therefore, always equal to the transaction of business in conformity with the opinions of the Judges in the highest tribunals of justice in the capital. Another mode of obtaining the same end, and one which has always appeared to me a happy mode, is that which has been adopted from ancient times in Scotland. You have there either a local Judge or a Judge very much connected with the locality, and one who, if not subject to control in his decision, would, I fear, be liable to all those disadvantages which belong to a system entirely local; but to avoid such evils you have a reference from him to another person, called the Sheriff Principal, who is himself among those who are practising in the higher Courts, and who, whatever may be his politics or his faith, it is allowed, is generally a person of competent ability, and very often a man who attains to the highest judicial positions in Scotland. By such means, it appears to me, you secure upon the one hand that cheap and speedy administration of justice which is attained by dispensing it in the neighbourhood; while, at the same time, you have not the disadvantages arising from the Judge living entirely in one place, and getting, perhaps, rather too fond of his own opinions, and considering himself the centre of all, but you have his judgment modified by a person who, being constantly in the practice of hearing the dispensation of sound law, is competent to correct him by reference to the highest authorities. I was very much struck, I confess, by a statement made by the hon. and learned Gentleman who spoke last. He stated that out of 14,000 cases decided in their several localities, not more than 110 have gone, by way of appeal, to the Court of Session. I think, Sir, that this is a result which ought to be highly gratifying to those gentlemen who belong to that part of the Kingdom, and to all who take an interest in the welfare of Scotland. I own, therefore, I am surprised to find that there are gentlemen who wish to change this system, root and branch, and to establish another in its place, entirely new. The ground of this wish is merely, as it seems to me, the use of a word. They say that these Sheriffs Depute are sinecure officers. That allegation implies that they have never heard the cases before them; but is that the fact? If it can be proved before any Committee that these Judges and these Sheriffs receive a salary, and that no cases are ever brought before them—that they have no judicial labour, and give no legal opinions, certainly such a state of things would bring the office under the denomination of a sinecure. But such a representation, I believe, differs entirely from the actual system. However, I can only say that it is most desirable that any reforms in the law which may be thought advantageous to Scotland, should be well considered in the first instance. I hope they will be well considered; and if the Bill of my right hon. and learned Friend can be amended, according to the judgment of the hon. and learned Gentleman who spoke last, by the introduction of provisions calculated to secure more effectually the good administration of justice, nobody, I am sure, will be more ready than my right hon. and learned Friend to consider and to adopt such suggestions. But, certainly, unless I hear more conclusive reasons for it than I have yet heard, I should be very loth to give my assent to such a complete change in the judicial system of Scotland as that which, as it appears to me, would be made by the Bill for which leave is now asked to introduce.

MR. NAPIER said, he should be sorry that anything should occur, tending to interfere with the present local jurisdiction in Scotland. He hoped that two Bills so utterly irreconcilable in principle would not be sent before a Committee. He had received most valuable information from a work written by Sir William Gibson Craig in reference to the working of the judicial system in Scotland. He thought that they had accomplished that which the noble Lord (Lord J. Russell) alluded to—a local machinery for determining of all legal questions, while, at the same time, those tribunals were divested of all those local influences which always tended to impair the administration of justice. In reference to the case of the assistant barristers in Ireland, there was also an appeal from the Judge of Assize's decision to a Court of superior authority. As well as he could understand the system of Scotland, he would say, in passing, that the Judges in that part of the Kingdom were as able a set of men as could be found in any country. If these Bills were to be discussed, he hoped that they would have an opportunity of considering the traditional scruples of Scotland as to whether the existing system was to be continued, or to be altogether upset, for the purpose of making a new experiment, which might involve the loss of that local machinery and that local jurisdiction which he considered were of vast advantage to the country.

MR. COWAN said, he was satisfied that the people of Scotland would be much disappointed if the right hon. and learned Lord Advocate did not consent to refer both his own and the present Bill to a Select Committee, before which evidence could be given.

MR. CUMMING BRUCE said, he disapproved of the measure now under consideration being referred to a Committee, on the ground that the object of it was to abolish the office of Sheriff Principal, which was part of the judicial system of Scotland. It had been said that this office was a sinecure. He denied the accusation; for the truth was, that these officers had grave and serious duties to discharge. He was satisfied that the House would not consent summarily to abolish an office which had conferred the greatest benefits upon the people of Scotland, upon the slender grounds alleged by the hon. and learned Gentleman who promoted this measure.

MR. DUNCAN said, that from the tone of the discussion it seemed to be held that none but lawyers were competent to arrive at a correct opinion upon this subject. But he could inform hon. Gentlemen who so thought that the mercantile interest of Scotland had something to say upon it, and that their opinion was that the office of Sheriff Principal ought to be abolished. As the question now stood, great injustice would be done to Scotland unless both measures were referred to a Select Committee, and if they were so referred, the opinion of the people of Scotland would be ascertained.

MR. ALEXANDER HASTIE said, it had been remarked that the Sheriff Principal was removed from local influence. It was wonderful, however, that it had not struck the noble Lord (Lord J. Russell) who made this observation that the Sheriffs Principal of Glasgow and Edinburgh were both resident in those cities, and were surrounded by all the local influences which he would seem to deprecate; but he (Mr. Hastie) ventured to say, that this circumstance had not the slightest influence upon their proceedings, or upon the proceedings of any other Sheriff. So long as Scotland had an independent bar and an independent press, no fear need be entertained as to the manner in which these officers discharged their duties. He recommended that both Bills should be referred to a Select Committee, in order that the best should be secured to the people of Scotland.

MR. CRAUFURD, in reply, said, he must express his regret at the course the Government seemed inclined to pursue by adopting at once the principle of the right hon. and learned Lord Advocate's Bill as a foregone conclusion.

Leave *given*.

Bill *ordered* to be brought in by Mr. Craufurd and Sir James Anderson.

THE NATIONAL GALLERY.

COLONEL MURE said, he rose pursuant to notice to move for a Select Committee to inquire into the management of the National Gallery. It might be in the recollection of many hon. Members that at an early part of the Session his hon. Friend the Member for East Lothian (Mr. Charteris) had given notice of a Motion similar to this; but his hon. Friend was afterwards appointed to an office in the Administration, the duties of which precluded him from devoting to the subject so much attention as he could desire, and for which his qualifications so well fitted him. Under these circumstances, his hon. Friend had requested him (Colonel Mure) to undertake the task, which he himself had been obliged to forego. After this statement he should content himself with one or two brief remarks. The House would recollect that no longer ago than 1850 a Committee of that House was engaged in a very similar course of investigation, and produced a Report founded on a valuable body of evidence. That Committee had been suggested, he believed, by the excitement that then prevailed in the public mind in consequence of the injuries that were alleged to have been committed on several fine works in the National Gallery by a rash and unskilful process of cleaning. The inquiry, however, took a wider range; for, as it proceeded, it was found impossible to separate the mere technical question from that of the general management of the National Collection. His hon. Friend's attention had been directed to the subject from the reappearance in the Gallery of several other pictures after a like operation; and, similar as might be the objects of the former and of the Committee he was now moving for, and short as might be the interval between them, there were various circumstances which tended to justify or demand a renewal of the inquiry at the prepresent season. In the first place there could be no doubt that a very great advance had taken place both in the state of public opinion and in the spirit of public discussion and speculation relative to art institutions since the year 1850. This improvement, he believed, was, to a certain extent, owing to the Great Exhibition, which had given a stimulus to every branch of art in the country; but, in the next place, although the Committee of 1850 had gone carefully into the question of cleaning, they did not appear to have altogether exhausted the subject, and in that remark he thought he was borne out by a passage in their Report, in which they said—

> "With regard to the disputed question of cleaning and varnishing, the Committee do not wish to express any opinion, but they refer to the evidence produced before them."

It appeared to him to be very desirable, in the present instance, that some distinct expression of opinion upon this particular point should emanate from the House of Commons, in order to tranquillise the public mind, and assure them that the Legislature was not indifferent to a subject in which it rejoiced to see the public take so warm and anxious an interest. There were various other topics of considerable interest embodied in the form of the present Motion, which it might be expected he should advert to, were it the object to raise any discussion upon the subject of the fine arts in general; but that was not his object. What he had in view was simply to obtain a Committee of the House on a subject of considerable extent and interest which the present state of the national and public opinion appeared to him to render, at that moment, peculiarly ripe for Parliamentary inquiry.

MR. EWART seconded the Motion, and said he rejoiced that his hon. and gallant Friend had not limited it to a mere technical question as to the cleaning of the pictures in the National Gallery. His hon. and gallant Friend had wisely extended the Motion into the general question of establishing a real National Gallery—a gallery not only of painting but of sculpture—of antiquities, and other objects indispensable for the cultivation of fine art, the want of which had hitherto been almost a disgrace to the country. He (Mr. Ewart) should confine his observations to the management of the National Gallery and to its composition. The management of the gallery fluctuated in a most extraordinary manner between the trustees upon the one hand, and the Treasury upon the other. At one time the trustees had the government of it, and at another the Treasury. Sometimes one body gave orders, and sometimes the other; till at last it was difficult to say where the actual authority and responsibility were lodged. Such a system was exceedingly unsatisfactory, and it was certain some other must be adopted. There must be a system such as that under which the Royal Gallery at Berlin was conducted, one of whose professors was examined before the Committee of 1850. When the present National Gallery in Trafalgar Square was erected, he (Mr. Ewart) had, as Chairman of a Committee, asked the architect whether he had made provision for a gallery of sculpture? The answer was, "No; Ministers did not give me to understand that a gallery of sculpture was to be combined with a gallery of pictures." The gallery contained no antiquities, no specimens of mediæval art, nothing that resembled the general and universal specimens which prevailed in the collections of other countries. Was there anything in the Gallery from which the artist could become acquainted with the beautiful drawings which contained the first ideas of the great works of the great masters? No; and here was a most lamentable deficiency. But if you went into the Louvre you had free access to these, the *prima stamina* of the great works of the greatest masters. Certainly we had a few of these works; but they were—not buried certainly, but—concealed in the British Museum. It was of the greatest importance to the artists of this country that they should have the means of tracing the first conceptions of the great masters; in the Louvre there was an establishment, named the *Chalcographie* formed by the Government, where for two, three, or four francs you could purchase an exact tracing of the first drawings of the most eminent painters. Why should not artists have the same facility in this country? We had, however, neglected our opportunities of obtaining such first drawings. He need only remind the House of the dispersion of the collection made by the late Sir Thomas Lawrence, at the cost not only of his time but of his fortune, which was offered to the country in 1836, and which contained some of the first drawings of Raphael, Michael Angelo, Correggio, and many more. Part of this collection had gone to Russia, part to Holland, and only a certain portion yet remained in this country, owing to the patriotic efforts of the present Lord Eldon, and was now in Oxford, in the Taylor Museum, perfectly accessible and admirably arranged. It might be said that it would be difficult now to make such a National Gallery as the one suggested—that we were beginning too late. But he contended that what had been done for the National Gallery at Berlin by Mr. Solly, an Englishman, acting under the guidance of the King of Prussia, in the course of a very few years, showed that it was not impossible to form such a collection, and that we were not too late. He hailed the plan which had been shadowed out by the late Chancellor of the Exchequer—a plan by which the School of Design, the scientific societies, and the National Gallery, would all be collected under one roof, so that all which combined to form the artist or the artist manufacturer might be contemplated from the same point of view. Like the question of the Great Exhibition itself, this had, it was true, been received at first with a degree of coldness by the public; but he had no doubt that, like the Great Exhibition, it would hereafter excite similar enthusiasm. He knew there were those who maintained that the people of this country were not susceptible of education in the arts—that they were too practical; that commerce or politics absorbed their energies, and that they never could be artists. He denied so narrow and unphilosophical an assertion. He would answer in the words of Virgil:

"Non obtusa adeò gestamur pectora Pœni,
Nec tam aversus equos Tyriâ Sol junget ab urbe."

No! we were not born so far from the sun, but that we could feel the influence at least of his mitigated rays. He rejoiced that his hon. and gallant Friend had taken up the subject. If he pursued it in the same manner as he had begun it, he had no doubt it would be productive of credit to himself and advantage to the country.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the management of the National Gallery; also to consider in what mode the collective monuments of Antiquity and Fine Art, possessed by the Nation, may be most securely preserved, judiciously augmented, and advantageously exhibited to the public."

MR. BARING WALL said, he did not object to the appointment of the Committee; on the contrary, he felt indebted to his hon. and gallant Friend for having undertaken a task which he would find would prove to be no slight one. For himself he had a most anxious desire that this Committee should be the last. There had been, during the last fifteen years, Committee after Committee, and Commission after Commission, and there was now a strong wish, out of doors at all events, that some decision should at length be come to. He hoped that the Members of the Committee would not enter upon the inquiry as partisans, and that the Government would be prepared to lay some satisfactory information before the House, in order that they might know how they stood, because the Reports of the different Committees and Commissions had been most contradictory. For his own part, he thought that a Committee of that House was little calculated to form a proper opinion upon the subject, and he very much rejoiced in the wise step taken by the noble Lord the Member for London (Lord John Russell), when he appointed a Commission to inquire into it, in putting upon that Commission, besides three most distinguished men, a professor of painting and the most eminent chemist of the day. Not to go back further than 1850, a Committee was formed to inquire into the same subjects as those now proposed to be gone into. No sooner had that Committee separated than a Commission was appointed, which recommended one of two sites for a Gallery, the one to which they gave their preference being in Bayswater-road. The House never decided upon the point, and a new Commission was issued, which had no sooner reported than it was thrown over by a subsequent decision, 150,000*l.* being granted by Government upon the condition that 150,000*l.* from the Great Exhibition fund should be added to it. That 300,000*l.*, it seemed, was to be disposed of without a vote of the House; and it had turned out that the scientific societies which it was proposed to accommodate under the same roof had refused the offer. He also hoped that the House would require some further information before it consented to remove the National Gallery; and once more he trusted that the Committee which had now been moved for would be the last.

MR. DANBY SEYMOUR said, there was a general impression out of doors that several pictures in the National Gallery had been spoiled in a process of what was called cleaning, and he wished that the Government, considering that these pictures were national property, would take steps to satisfy the public on that subject. The hon. Member for Haddingtonshire (Mr. Charteris) had some time since put a Motion to that effect upon the Votes; and he had hoped that the hon. Member would have now carried a Government sanction to that inquiry. With regard to the Motion now before them, he agreed in the opinion that all these collections of pictures and sculpture should be assembled under one roof; but he differed from the views advocated by the author of a pamphlet lately published, that the works of art now in the British Museum should be taken out of the hands of the trustees and vested in the control of the keeper of the national pictures. He believed that they had now arrived at a crisis in the history of art in this country. There were two ways in which the encouragement of art would operate. The first was what he might call the natural way, where art, left to the encouragement afforded by private individuals, and promoted by the ardour of its professors, would rise from year to year by successive degrees of excellence. The other was the continental system, where there was a national education of art, and where there was protection afforded to artists in contradistinction to members of other professions. He hoped that before anything was decided, the comparative advantages of these two systems would be fully investigated. He wished also to ask one other question. Was the second Report of the Commissioners of the Great Exhibition to be included in the range of inquiry to be embraced by the Committee for which the hon. and gallant Member for Renfrewshire had moved, or was it not? He understood that it was not to be included, and he certainly thought it ought not. As to the other question—the removal of the pictures in the National Gallery to Kensington—that was a fair subject for inquiry, and he would not give any opinion upon it now; but he hoped, considering that there were now more than 2,000,000 of a population in the metropolis to whom the present site was extremely convenient, that no change would be decided upon without some expression of the popular opinion. He urged this with the more confidence, because the distinguished architect of the House where they sat, Sir Charles Barry, had given it as his opinion, that Trafalgar-square was most admirably suited for architectural purposes; that it was the finest site possessed by almost any city in Europe. He hoped, therefore, that that site, which might be considered the eye of London, would not be lightly abandoned; and having said this, he had only to express his hope that the Committee which was now moved for would prove useful, and serve many important purposes.

Sir GEORGE STRICKLAND said, it struck him, as it seemed to have done other hon. Members, that the Motion of the hon. Member for Renfrewshire (Col. Mure) did not sufficiently define what were to be the particular subjects of the proposed inquiry; for if the Committee went into a rambling inquiry as to the nature of National Galleries and Museums of all sorts and kinds, he did not see how their labours could lead to any useful results. The hon. Member for Dumfries (Mr. Ewart) appeared to think that the inquiry ought to include everything on the face of the earth that had any relation whatever to arts or manufactures. And the scope of the Motion was, in fact, not only for inquiry into the nature of a National Gallery, but into all those subjects for which he thought the British Museum had been exclusively set apart. The Committee would have to inquire concerning the custody of our national pictures, the preservation of antiquities, the nature of schools of art, and how persons might be better instructed in the fine arts hereafter. [Mr. Ewart: No!] Why, it was quite clear that it would take in every one of these questions. In his (Sir G. Strickland's) opinion, the Committee would be much more useful if it confined its inquiries to the National Gallery, and the preservation of the fine paintings which it contained, and did not ramble over all those other matters. He concurred with the hon. and gallant Member (Col. Mure) that there were serious reasons for the appointment of a Committee; because his own impression was that many of the finest pictures in the National Gallery had been totally and entirely destroyed by the process of "cleaning." Indeed, some of the pictures which years ago he most admired, he could only look upon now with disgust and shame.

Lord JOHN RUSSELL: Sir, I cannot say that I agree with my hon. Friend who has just spoken. I think, with regard to the hon. and gallant Member who has made the Motion, and who is so eminently qualified to develop its objects, that in the first place we may well confide the task of inquiry to his hands; and next, I think that he has judiciously chosen the terms of his Motion. Because, though there is no doubt that the Committee will think it right to inquire into the manner in which the pictures of the National Gallery are preserved, whether the mode of cleaning that has been adopted is, as some say, calculated to destroy them, or, as others say, is well adapted for the purposes of preservation; I think that there is another and larger question that is well worthy of inquiry, and on which I hope we shall obtain the opinions of persons competent to give a judgment. I confess I think it is of great importance to consider whether the pictures we possess in other collections might not be so arranged as to become more worthy of the name of a National Gallery than that which we at present have. At present the National Gallery was rather such a collection as a rich individual might make, consisting of beautiful works of art, rather than a collection such as a nation ought to possess, because it is evident that there are many pictures and drawings belonging to the first beginnings of art, which a mere private collector might not wish to have in his house, choosing rather to employ his money in buying beautiful pictures, but which might yet be of the greatest value to the nation and to the artist, as illustrating the history and early progress of the fine arts. Whether it may be possible, considering the various trusts under which works of art are placed in this country, many of them being in the custody of the trustees of the British Museum—whether it is possible to form such a collection under one roof, I shall not at present venture to give an opinion. This is one of the important subjects which the Committee, will have to investigate. There may be difficulties which will occur to the Committee when they consider this matter; but there is one object which I have more than once stated in this House as worth striving for, an object which ought not to be attended with much difficulty—I mean the obtaining of a collection of works of the early Italian masters, many of which are indeed very beautiful in themselves, but which have a further value, as showing the progress which led afterwards to the beautiful creations of Rafaelle and Da Vinci. This ought not, I think, to be attended with much difficulty, or to require any great expenditure of money. I can only say, in conclusion, that I hope the hon. and gallant Gentleman who has undertaken this task will not desist from it. It will, no doubt, be attended with great labour, but I anticipate useful results from it, and I shall give my cordial support to the Motion.

Mr. BELL said, he objected to the decision which appeared to have been come to, that the National Gallery and the various scientific bodies should be located together in the new building at Kensington. The scientific societies strongly objected to this arrangement. The secretary of the Geographical Society said that the communications of the society with the Government would be put an end to if their rooms were to be removed to Kensington. Even with regard to the removal of the pictures, there did not appear to be sufficient evidence in favour of the measure. The evidence of Mr. Uwins was much relied on; but that gentleman had objected to the site of the Great Exhibition as about the worst in Hyde Park. Now, the site for the new gallery was still worse than that, as it was in a still lower situation. Dr. Faraday stated that the injury to the pictures from the smoke of Belgravia would be as bad as the injury from the smoke in Trafalgar-square. Sir Charles Eastlake said that if the gallery were removed from its present site it would be necessary to have it opened on Sundays. Whether the Exhibition Commissioners had come to that conclusion or not, he did not know. He had no doubt, however, that Mr. Uwins' prophecy would, in one respect, be fulfilled—there would be far less dust at Kensington than at Trafalgar-square, because there would be far fewer people attending. To his mind, however, the great charm of the existing gallery was the great numbers of people that were at all times to be found there. With regard to having pictures and sculpture brought together, he admitted that, considered simply in itself, that would be an advantage; but it was possible that that advantage might be bought at too great a cost, and as it was clearly impossible that they could remove the paintings to the British Museum, it followed that they could only move the sculptures to the same site with the pictures, thus rendering useless the buildings in the British Museum, which had already cost the nation more than 1,000,000*l.* He should be very glad if the Committee would examine these questions thoroughly before the decision was come to.

Mr. HUME said, he was doubtful whether the inquiry did not embrace too many subjects. He hoped they would go thoroughly into the question of cleaning the pictures. Years ago he had moved for a copy of the Minutes relating to this subject; and the late Sir Robert Peel stated to him then that the cleaning was not done by the orders of the board, but of a single individual. Sir Robert Peel fully concurred in his Motion, and the Minutes were produced and laid on the table of the House. So lately as December last he had moved for the names of the trustees of the National Gallery, and the orders under which they acted, for he could not believe that the Government would authorise such large sums of money to be spent without having some instructions or plan under which it was expended. But from the Returns which were produced, it did not appear that any instructions had been issued by the Treasury to the trustees for their guidance. Then, in the next place, who were these trustees? Why they were just an *omnium gatherum* of great men who never attended, and could not be expected to attend. There was the First Lord of the Treasury. The noble Lord below him, who had for a long time been First Lord of the Treasury, knew that he had scarcely time to get through his own business. Then there was the Chancellor of the Exchequer: had he any time? As far as he (Mr. Hume) understood, very little. Then there was Lord Ashburton, Lord Overstone, and, after some other names, there was Mr. Samuel Rogers. There was a day when he might have been of great use; but, like him (Mr. Hume), he was now rather the worst for wear. Last of all came Sir Charles Eastlake. He was the man. If all reports were true, he did everything and directed everything. He was the alpha and omega of the whole system. Was it a wonder that things went on as they did with such a strange mixture of trustees? He noticed in the Minutes mention of a number of pictures by good masters offered to the Gallery, and rejected by the trustees. He should like to know why they had been rejected. If it was on account of want of room, the room should have been supplied. He could tell the hon. Member for Dumfries (Mr. Ewart) that there was in this country capital enough to create a school for the due encouragement of the Fine Arts; but from the peddling way in which the Government went to work, nothing worthy of the name was done. He did not agree with the plan for placing the various works of art under one roof. He would have as many museums and galleries as possible opened in various quarters, where the population at large could have convenient access to them. For instance, he would have the collection retained at Hampton Court, and he thought that Kensington Palace might also be thrown open to the public. One half of that palace was occupied by the late Secretary for the Admiralty Mr. Croker. He did not know what right he had there. He would much rather purchase the poor-house adjoining the National Gallery, and form a square sufficiently large to admit of ample accommodation. This he believed was the one thing on which he and Sir Charles Barry were agreed. He did hope the day would come when the people of England would possess greater taste for the Fine Arts, and better opportunities of forming that taste, than in any part of the Continent. It would require time, he knew, and the sooner they began the better. If they erected a proper building, and placed it in good order, he believed the public Treasury need not be put to a farthing expense, for that an ample collection of the finest works would soon be contributed from gentlemen willing to assist so desirable an object.

The CHANCELLOR OF THE EXCHEQUER said, he did not wish to enter on the general subject more fully than had already been done by his noble Friend (Lord J. Russell). Between those Gentlemen who thought the hon. and gallant Member (Colonel Mure) had included too much in his Motion, and those Gentlemen who thought he had included too little, there was room for the comfortable belief that he had framed his Motion very judiciously; and he (the Chancellor of the Exchequer) was very glad to see the matter in his hon. and gallant Friend's hands. He wished, however, to make a remark on two subjects. First, the removal of the National Gallery to Kensington. It seemed to be supposed by his hon. Friend (Mr. Hume), and likewise by other hon. Gentlemen, that the Government had absolutely decided on that removal, and were pledged to its taking effect. As far as he was informed, no such decision had been arrived at. Nothing had been done—which, in the event of an expression of public feeling on the question, and he entirely agreed with those who thought this a matter in which the public were deeply interested, and ought to be heard—nothing had been said or done, which in the event of such an expression, or in the event of its being found on the whole wiser that the removal should not take place, to prevent the Government consulting the wishes of the public so expressed. He wished also to say a word about the cleaning of the pictures, because strong opinions had been expressed by several hon. Members on that subject. The gentleman who had been officially employed in that matter might have been right, or he might have been wrong, but what he had done was under the authority of a very high character, and he was quite sure the House could have no wish to prejudge the question. The public were very much obliged to those who called their attention to anything which affected the custody of these very precious treasures. At the same time it ought to be known that whatever had been done had not been done hastily or carelessly. Whatever had been done had been done by Mr. Seguier, a gentleman of great experience and great ability, with the greatest care, and under the close and constant superintendence of Mr. Uwins, and Mr. Seguier stated in a letter—"I assure you that during the extensive practice I have had I do not recollect any pictures improved more to my satisfaction." A strong opinion had been expressed in an opposite sense. He did not ask the House to subscribe to the opinion of Mr. Seguier, but he thought it more fair, as the matter was about to undergo close and intelligent examination before the Committee, to leave it at present in their hands until they had the means of coming to a final decision, which their investigation would afford.

MR. LOCKE said, that he regarded with some alarm the introduction of a foreign system, and on a previous occasion he had expressed his sentiments on the subject; but as the right hon. Gentleman the Chancellor of the Exchequer had stated that the Government were not pledged to the removal of the National Gallery, he should not trespass upon them with any remarks. They ought never to forget that great school which already existed for the development of those branches of manufacturing industry and ingenuity, upon which the prosperity of the country so mainly depended.

Motion *agreed to.*

PROBATE OF WILLS BILL.

MR. HADFIELD, after presenting several petitions, complaining of the inconveniences of the present laws relating to the probate of wills, said, he would beg to move for leave to bring in a Bill to prevent the necessity of obtaining several probates of the same will, and several grants of administration in respect to the estate and effects of any deceased person, and other alterations in respect to the proof of wills. The Bill would be an exceedingly short one. It would make one probate sufficient, and it would also enact that the probate should be proof of the devise of a real estate as it was personal property. Inconvenient as the present system was in England, it was of trifling moment compared with what was the case in Scotland and Ireland. He begged to congratulate the House on the recent speech of the hon. and learned Solicitor General; but the matter he was introducing to their notice was of too pressing a character to be postponed until some general measure of law reform should be introduced. He had conferred with the hon. and learned Gentleman, and he had his sanction for saying that he would not oppose at least the introduction of the Bill.

Mr. W. BROWN seconded the Motion.

Dr. J. PHILLIMORE said, he recognised the importance of the proposed measure, as calculated to put an end to a system which cried aloud for amendment, and which no person could wish to see continued. He remembered a case in which, for one and the same instrument, it was necessary to have a probate in Canterbury, another in York, letters of administration from Scotland, and a certified copy of the will from the Colonies. It was perfectly clear that it was a monstrous state of the law which required such a multiplicity of documents when one probate would be ample. He thought, however, that this should form part of the great measure of reform to be introduced by the hon. and learned Solicitor General, and that the Government would be very ill-advised if they allowed the present Session to pass without achieving the reform which the hon. and learned Solicitor General had promised—a reform which, however surrounded with difficulties, was not impossible. He trusted that they would do their utmost to deal with this subject as a whole, and to place the testamentary law of this country upon such a footing as would be consonant with the wishes of the people, and consistent with the due administration of justice.

Mr. COWAN said, he should support the measure, and begged to express a hope that it would be extended to Scotland.

Leave given.

Bill ordered to be brought in by Mr. Hadfield, Mr. Cowan, and Mr. Brown.

Mr. Hadfield

ASSURANCE ASSOCIATIONS.

Mr. J. WILSON, in rising to move for a Select Committee upon this subject, said it was incumbent upon him to make a few observations in order to explain the general objects he had in view in making this Motion. It was impossible perhaps for the House to approach a subject which contained within itself principles of greater difficulty, or had led to more diversity of opinion. It was impossible to look at these associations in one view without regarding them as trade associations; and it might be said, with some amount of justice, that so long as the principle of public and open justice was relied on in this country, the interference of the Government, in any way, was likely to destroy the beneficial effects of that competition, to create a false reliance upon the Government, and to inflict injury upon the public at large. Upon the other hand, it might be as fairly contended with regard to associations of this description which asked for peculiar privileges, that it was the bounden duty of the House, in granting those privileges, to accompany them with such securities as should afford a proper guarantee that they would be used for the public advantage. Between these two conflicting opinions, on which, he admitted, much might be said on both sides, it was not his intention to decide; but he thought the House would agree, that if they were to interfere at all, they ought at least to see that their interference, while it impeded as little as possible the objects of private trade and competition, yet would honestly confer on the public the security which such interference on the part of the Government professed to give. With regard to these associations, he would particularly guard himself from being supposed to be the advocate either of one class or the other. He was well aware there was a contention between the two classes—the old proprietary offices, and the new offices, established generally on mutual principles. He particularly requested that the House would understand that he had no object whatever, and that the Government could have no object, in advancing the interests of one class in preference to the interests of the other. The only object was to see that the privileges given by Acts of Parliament were not so far abused that the public were placed in a condition of insecurity against which they ought to be protected by that House. Perhaps it was not generally understood to what an enormous magnitude these associations had grown, and what a vast amount of capital was now invested in the hands of those who managed them. In Scotland alone the liabilities of fifteen assurance offices amounted to 33,000,000*l.* The assets already paid up amounted to 6,000,000*l.* sterling; and the annual income exceeded 1,500,000*l.* Then, with respect to Great Britain, the House would probably be astonished to hear that the accumulated capital of the companies with whom it was now proposed to deal amounted to 150,000,000*l.* sterling, at the smallest estimate; and that the annual income derived from premiums paid by the best and most deserving class of society—a class who, from the provident habits which they exhibited, the self-denial they exercised, and the enormous amount of their annual savings, were, he thought, justly and properly entitled to all the protection which the House could give them—the income derived from this source in England and Scotland amounted to no less than 5,000,000*l.* sterling, a sum almost equal in amount to the whole revenue derived from the income tax. When the House, considered, therefore, the enormous magnitude of the interests involved in these associations—when they knew the unsatisfactory condition in which many of them were placed—when they reflected that hundreds of associations were springing into existence one day, and falling like an autumn leaf the next—he thought they would hardly be prepared to allow such a state of things to go on without endeavouring at least to apply a remedy, and take means to endeavour to place them on a more satisfactory basis. One of the earliest things to which the attention of the Government was called on their accession to office, was the abuses which existed in these institutions; and, having given it their best consideration, they felt it was impossible for the Executive of the country—responsible as they were in some degree for the working of these associations—inasmuch as they had been formed under the sanction of an Act of Parliament—they felt that Parliament was by implication responsible for any evil consequences that might result. It therefore was impossible for them to stand by with their eyes open, and, knowing that abuses existed, allow them to go on, without at least making some effort to call public attention to them, and by means of a Parliamentary inquiry to try and discover some mode by which associations of so much importance could be placed on a safer footing. Every individual in the House, as well as out of it, he was sure would agree with him as to the enormous benefit which these associations were capable of conferring on the people of this country. He knew of nothing in the history of modern inventions, or in the progress of modern ingenuity, which, in a social point of view, was of greater importance than the establishment of these offices, calculated, as they were, to win the people to provident habits, and to present an easy and facile mode of making a provision for those who came after them; and just in proportion as the House and the public felt the importance of these institutions were they bound to take measures to place them on such a footing as should give a natural and fair security to the public, in order to induce people to use them to the greatest possible extent. But not only were these institutions to be regarded as a means of enabling individuals to make provision for the future, but there was another point of view in which they were of great importance, and that was that their large accumulated capital was capable of being used with great advantage in various ways in which the deposits and assets of other institutions could not be made available. He believed that, from the funds of insurance offices being of a nature which enabled them to be invested for a longer period than the funds of banking establishments could ordinarily be, the landed interest had derived the greatest possible facilities in the improvement of their land from the funds accumulated in the hands of these offices. As another example of the benefit derived from large funds being brought together in single hands, he might mention that the loans which had been raised on the security of Government for the improvement of the West Indies, and other parts of the British dominions, had been chiefly taken by insurance offices, and thus those funds which were accumulated for the benefit of private individuals became in the meantime useful instruments of public utility. It was, therefore, impossible, in taking that view of the matter, to overestimate the responsibility of the gentlemen who undertook the management of these institutions; and he confessed he should be glad if he could feel any degree of assurance that in every case the gentlemen who undertook to bring into existence companies having objects and ends so sacred, and operations so beneficial, felt the full weight of the responsibility which they thus incurred, and that they only did so for the advantage of those whose interests they professed to consult. But he was afraid that the investigation of the Committee he now proposed, would tend to show that in too many cases the establishment of these companies had been made a cover for frauds of a most gross and extensive description. He begged the House to bear in mind that the character of the institutions now referred to was different from that of the other joint-stock companies which existed under the Act of 1844. With regard to banks and other joint-stock companies, their liabilities and responsibilities to individuals were of a comparatively momentary description. If a person was dissatisfied with a bank, he could at once close his account and withdraw from it; or, if a bank failed, it would doubtless entail great loss; but the loss would only be temporary; and so even with regard to fire insurances. The yearly premiums paid for fire insurances had reference merely to the risk of fire within the year. At the end of the year the responsibility of the company ceased, unless the premium was renewed; and if any one had reason to doubt the solvency of the office in which he was insured he could remove to another; but with regard to a life office, the case was entirely different; for, while the premiums were paid from year to year, the responsibility of the company extended to an indefinite period, and a person could hardly be said to be in a condition to change his policy, whatever doubt or apprehension he might feel with regard to the company. Therefore he looked upon these institutions much more as a sacred trust for the future, than as the means of mercantile operations for the present. He looked upon them as a sacred trust, because present payment was to secure future benefit, and because individuals, actuated by the best feelings of human nature, were induced to make great sacrifices and to exercise great self-denial, in order to provide for those who followed them. He thought this was a reason, therefore, why these companies should be taken out of the strict category of commercial institutions; and, if the House was justified in interfering by Act of Parliament to regulate joint-stock companies in general, it was doubly justified in interfering with respect to institutions where the operations were so great and the effects so distant. Whatever difference of opinion might prevail with regard to the question of interference at all—and he knew that his hon. Friend the Member for Montrose (Mr. Hume) felt strongly on that point, and he (Mr. Wilson) confessed that he, for one, participated in his feeling—the House was not now in a position to judge whether they should interfere or not. They had already interfered so far as to induce the public to rely upon those institutions, and became, therefore, to a certain extent, responsible for their good management. Having gone so far, therefore, they were bound to go a step further, and see that under the shade of their Parliamentary sanction gross frauds were not perpetrated on the public. The Act of Parliament which regulated those institutions was the 7 & 8 *Vict.*, c. 110, which was passed in 1844 "for the registration, incorporation, and regulation of joint-stock companies." By that Act it was provided that those institutions should, in the first place, be regulated like other joint-stock companies, and, in the second place, it was provided that each company should be obliged to make a return to the registrar of joint-stock companies of its annual balance-sheet, in order to prove the financial condition of the company. He regretted extremely to say, however—and this was the reason why the Government had felt themselves bound to take the present step—that both these securities had been grossly violated and abused. He was bound to say that the registration had in many cases been effected more in name than in reality. The Act required that before the complete registration of a company took place, a deed should be produced, signed by a certain proportion of the partners, and setting forth the sum proposed to be raised, and other important particulars; but it was a notorious fact that the greatest possible frauds had been perpetrated in the process of registration. Two or three persons, and in some cases twenty or thirty persons—of whom, upon inquiry, no trace could be found—were got to put down their names for enormous sums as subscribers—the fact being that they had subscribed nothing whatever, and were men of no responsibility whatever. With respect to the working of the law, he would, with the permission of the House, read a short extract from the report of the assistant-registrar of joint-stock companies, which was so conclusive with respect to the evil operation of the Act—going so far as it had done to create a certain amount of reliance on the associations, and yet not going far enough to justify that reliance—that it would convince the House at once that the law could not remain in its present state:—

> "This Act had not been long in operation when public attention was forcibly directed, by the discovery of a series of frauds, which, when contrasted with the station and resources of the individuals concerned in them, may be described as of unexampled magnitude, to the imperfection of a state of the law under which such frauds were possible. Some half-dozen of adventurers, any one of whom in his individual capacity would have found it difficult to obtain credit to the most limited extent, boldly announced to the world the formation of an imaginary assurance company with a capital of 1,000,000*l.* sterling; and, constituting themselves into a board of direction, and assuming all the outward characteristics of a wealthy and flourishing corporation, contrived, by holding out tempting inducements to the ignorant and unwary, and professing to conduct business on unusually liberal terms, to defraud the public in the course of about four years to the extent of upwards of 200,000*l.* There was nothing to which the public generally had access from which it could be discovered that this was not a company properly constituted, and possessing the capital to which it laid claim. Only a searching investigation, such as few persons would think of undertaking, and which was not unattended with personal risk (for actions of damages were in this case brought against the first denouncers of the fraud, who might thus have been seriously injured, if not ruined, before they had succeeded in bringing it fully to light), could make it appear that there was nothing of a company but the name—no capital but the contributions of the dupes themselves. So it was, however; four men, personally without credit, character, or education—with no resources but boldness and cunning—succeeded in making the world believe for four years that they represented a company composed of some hundreds of partners, and that they had the command of a capital of 1,000,000*l.* stirling, simply because, there being no ready means of putting the truth of such representations to the test, the public had got very much into the habit of taking them for granted, or at all events, of relying upon very slight presumptions in their favour."

He begged to say, in passing, that the sanction of the Act of Parliament had had very much to do with creating that confidence.

> "A consideration of the class of persons who suffered by this fraud, and who would be most likely to suffer by any similar fraud in time to come, being chiefly persons of very moderate incomes, who had been lured by the prospect of an advantageous investment of their savings, and to whom, therefore, the bursting of the bubble disclosed the fact of their ruin, had much effect in stimulating the Legislature to devise some means by which the perpetration of similar frauds might be prevented for the time to come. A Select Committee of the House of Commons was appointed in 1841 to inquire into the state of the law respecting joint-stock companies, with a view to the greater security of the public, and continued its investigations through the years 1841, 1843, and 1844. The Committee began by ascertaining the means by which the fraud just referred to had been committed, then passed from it to other cases of proved or suspected fraud of recent occurrence, so as to bring, as nearly as possible, into one point of view the whole capacity for being turned to fraudulent purposes inherent in the system of joint-stock companies; then, extending their inquiries generally to the regulations under which, as a question of public policy, such companies ought to be placed with a view to the security of the shareholders as well as of the public, they finally agreed upon a report, upon the recommendations contained in which was founded the Act now in force for the regulation of joint-stock companies, which was proposed to the House of Commons by the President of the Board of Trade, and received the Royal Assent on the 5th of September, 1844."

It was under the Joint Stock Companies Act that these evils and abuses had taken place, and he was afraid that the investigations of the Committee would disclose in too many cases similar frauds. Another security provided by the Act for the solvency of these companies—the production, namely, of an annual balance sheet, had been as much evaded as the other regulations laid down by Parliament. In many cases the returns which had been laid before the House, professing to show the annual balance sheets, had been of such a character that he believed no Member of that House, and no actuary out of it, could therefrom accurately tell the condition of any one of the companies. It might be quite true that there was nothing absolutely false on the face of any one of the accounts; but you might put an account in money in so many different forms so as to create delusion, and prevent any one from forming a clear and accurate idea of its contents. There was one very striking fact which he begged to mention to the House, and it was this: that in the case of twenty-five offices who had submitted their accounts, it appeared upon their own showing, that, while the sums received as premiums for the last year amounted to 462,032*l.*, the costs of management, according to their own showing, reached 375,300*l.*, leaving only a balance of 86,732*l.* out of an income of nearly half a million. He thought the House would agree with him that, in the face of striking facts of this kind, it would be criminal in the highest degree for the Executive of this country to stand idly by with folded arms and not take some step with a view to applying a remedy. At the same time, he was anxious to avoid creating any unecessary alarm in the public mind with respect to the condition of these associations. For himself, he had not the slightest doubt that the great bulk of what were known as respectable offices were not only solvent, but in a highly sound and prosperous condition; and he wished the House distinctly to understand that the cases of gross abuse to which he had referred formed the exception, and not the rule. It was well known that those offices which submitted in an intelligible form their accounts to their shareholders were, from the improved tenure of life which had prevailed during the last fifty years, and the advantages afforded by their tables, among the most profitable of commercial undertakings. He begged to say, also, that it was not the wish of the Government to interfere unnecessarily either with existing or future offices. All they wanted was to make certain that whatever securities Parliament might have taken, or professed to have taken, for the security of the public in the Acts under which these institutions were established, should be fairly carried out, and that they should not be converted into mere shams and delusions, under the sanction of which the grossest frauds would be perpetrated. He was anxious, while this inquiry was pending, that the public should not relax in their habits of prudence; but he wished also that they should learn to distinguish between the principles which governed good and safe offices, and those on which bad and unsafe offices were founded. All the Government wanted was that the securities taken should be securities of an absolute and living character, and not mere shams and delusions. It had been proposed with great reason that the assurance companies should be subjected, like other joint-stock companies, to a test of solvency, by requiring them to pay up a portion of their capital before they were allowed to be registered. This was a point which would be matter of consideration for the Committee. He was sorry to say that so numerous had been the institutions of a mushroom description which had sprung up of late, and so palpable were the frauds which they practised to entrap the unwary, that they deserved to be characterised as swindling establishments. He would call the attention of the House to the multiplicity of these institutions. Since the Joint Stock Companies Act passed, 335 new assurance offices were projected, of which 149 were actually founded; and of these, 90 had ceased to carry on business; so that out of 335 projected, there were only 59 in existence. In the last year—for every year appeared to make matters worse—there were 72 new companies projected: only eighteen of these were founded, and twelve of them had ceased to exist, leaving only 6 out of 72 which had been projected. For the reasons which he had stated, he thought that the House would feel satisfied that this state of things could not go on without inquiry, and he trusted that measures would be taken, by which the existing Act might be carried out, and such other provisions introduced as Parliament in its wisdom might think necessary. He would, therefore, beg to move, "That a Select Committee be appointed to take into consideration the subject of Assurance Associations."

MR. WHALLEY said, he begged to express the satisfaction which he had felt at hearing the statement of the hon. Gentleman, and he trusted that the supervision of the Legislature would be extended to benefit societies as well as assurance associations. The poorer classes of society, he begged to assure the Government, required protection, even more than the middle classes, from the schemes of designing adventurers. He had had bitter experience in the part of the country in which he resided, of the utter demoralisation which had been occasioned by the failure of benefit societies. Within a circuit of something like ten miles, comprising a population of nearly 30,000 inhabitants, the habits of prudence and thrift which had been created among the labouring population had been seriously endangered, because the present law had failed to insure to them the provision which they believed they had made for sickness and old age. The same principle operated in the case of burial societies, and all other societies of the kind; and he hoped the attention of Government would be seriously directed to this important subject.

MR. M. FORSTER said, that Parliament had already interfered in the regulation of joint-stock companies, and had done harm by its interference; consequently, it must undo what had been done, or it must go further. Having paid a great deal of attention to this subject, he had become acquainted with a good many of the abuses which were going on under the present system; and he must say, that the country was greatly indebted to the hon. Member for Westbury (Mr. J. Wilson) for bringing this matter under the attention of the House. It was impossible that the vigilance of the House and of the public could be aroused upon a subject of greater importance. The Act of 1844 had greatly aggravated the evils which it was designed to check. There were undoubtedly great difficulties surrounding the subject; but it would be the business of the Committee to inquire into the whole question, and see what remedy could be applied. It was clear, at any rate, that if matters were allowed to go on as they were doing, the public would be involved in most serious losses. As there was to be an inquiry, he would not prejudge the case, but wait for the Report of the Committee. In the meantime, however, he hoped that the able and clear statement which the hon. Gentleman had made, to the accuracy of which he could himself bear testimony, would go forth to the public, and arrest the evil which was in progress.

MR. BROTHERTON said, he should willingly express his gratification that the Government had taken up this most important subject. He was certain the determination of the Government would give great satisfaction generally to the institutions which were solvent, and would only be unsatisfactory to those which had certainly attempted frauds upon the public. He thought it was most important, as these institutions had been in a measure sanctioned by Parliament, that Parliament should endeavour to guard the ignorant and unwary against a system which, if it was allowed to go on, would be attended with most injurious results.

MR. GEACH said, he would be the last person in the world to advocate legislation upon questions which might be left to the discretion, prudence, and care of individuals themselves. He had, however, had a good deal of experience in matters of this kind, and he considered that this was one of those subjects with regard to which the public did require to be protected by legislation. He did not deny that legislation had very materially increased the evils of this system, by giving to those who wished to establish such institutions opportunities of covering over the inherent weakness of societies by apparent legislative sanction. It was, he thought, of essential importance that these societies should be placed upon such a foundation, and under such supervision, as to afford some guarantee that their business was conducted upon safe principles. He might just allude to one view of the subject which he thought not unimportant. The old established societies had a very large business in consequence of the credit they derived from the publication of their accounts, which showed the large amount of funds in their hands, and also from the persons of known eminence and respectability who were connected with them. Persons consequently paid to these offices a much larger premium than it was really necessary to pay in order to secure all the advantages of life assurance, because they were afraid to venture their money in societies which had been more recently established. Now, he thought it most desirable, if possible, that there should be such legislation on this subject as, while it afforded some guarantee for the character of the societies, should allow a fair and effective competition.

MR. HUME said, he never had any confidence in the Act of 1844; and if people did not take care of themselves, what could Acts of Parliament do for them? To his mind, nothing could be more satisfactory than the statement of his hon. Friend (Mr. J. Wilson) that out of 335 insurance companies projected since that Act, only fifty-nine now remained. The same erroneous principle had been applied to banking companies, and the day was not far distant when the country would appreciate at its true value that course of legislation. His hon. Friend saw that Parliament had done wrong, and he thought he was quite right to "try back." As to balance sheets, they were of no use. If he were disposed to be a rogue, he would make out as fair a balance sheet as any man could show in the Kingdom. The question upon a balance sheet was, whether the account presented was a true account. He did not know anything that was more material to the welfare of the community than a well-established assurance office; but, after all, every man must look after his own affairs, for they could not be safely left to any one else.

MR. T. CHAMBERS said, he thought it was a disadvantage to interfere by legislation with existing commercial institutions, whose security and stability were the public confidence and credit, by inviting Parliamentary inquiry, on the ground that many of these institutions were not deserving of the confidence which they enjoyed. He considered, therefore, that the proposed inquiry would be attended with imminent peril. He did not think any amendment of the existing law could secure an advantage which no legislation could insure, namely, that personal care and caution on the part of individuals should be rendered unnecessary. The annual balance sheets of assurance companies did not give the slightest indication of the stability of such institutions, for they were mere statements of the receipts and expenditure; whereas a balance sheet, in the proper sense of the term, to convey any information as to the stability of a society, should show the value of all the assets and of all the liabilities. He thought the House should certainly not require that assurance societies should go to the expense of preparing such statements oftener, say, than once in five years. He would put it to the House, however, whether the public did not take take of themselves in this matter? There were fifteen assurance offices in Scotland, with a capital of 33,000,000*l.*, and an annual income of 1,500,0000*l.*, and he considered that they were all witnesses against the course proposed by the hon. Member for Westbury (Mr. J. Wilson), for the fact that they had the public confidence, and had enjoyed it so long, was a proof that that they deserved that confidence. In Great Britain, without Ireland, there were assurance companies with a capital of 150,000,000*l.*, and an income of nearly 5,000,000*l.* annually. These, also, were witnesses against the hon. Gentleman, because the fact of their existence, and of the confidence placed in them by the public, was a proof that that confidence was deserved. The hon. Member for Westbury had said that 355 assurance societies had been projected, of which only fifty-nine were now in existence. Was not that a proof that the public took care of themselves? Nearly 300 of these societies had fallen to the ground, simply because they did not deserve and secure the confidence of the public.

Mr. SOTHERON said, he quite agreed that we ought not to legislate to attain only problematical advantages. He would offer his personal thanks to the hon. Gentleman (Mr. J. Wilson) for having brought this subject forward. He was entirely unconnected with any assurance office; but in the course of the inquiries before the Committee relating to benefit societies, several gentlemen, who were actuaries or managers of some of the most respectable and long-established assurance offices, were examined, and he believed, from their statements, it was their wish and desire that some such investigation as that now proposed should be made. If they looked to the number of new offices since 1845, and how widely their sphere of operation through society was extended, they would see that scarcely a family in the country was without interest in them, and therefore it must be borne in mind that the principle of assurance was taking deep root, and that was one reason why there would be a great extension of offices. It was considered by actuaries that the interest was now of such magnitude—involving 350,000,000*l.* of capital—as to require separate legislation. He trusted that Government would no longer allow the public to be deluded by an Act of Parliament which did not in any way extract a true picture from assurance companies of what was their actual condition. He was aware that this was a somewhat critical matter to deal with. He knew that if they attempted to do anything which would be an interference with the fair exercise of individual operation on the part of any one of these societies, they ran great risk of giving something like a guarantee on the part of Parliament for the security of those who invested money in such institutions. He only wished, however, to express the great satisfaction he felt that the Government had taken up this important question, and his hope that the inquiries of the Committee would result in a Report which would afford grounds for beneficial legislation.

Motion *agreed to.*

The House adjourned at Ten o'clock.

HOUSE OF COMMONS,

Wednesday, March 9, 1853.

MINUTES.] PUBLIC BILLS. — 1° Consolidated Fund.
2° Public Houses (Scotland).

GREAT LONDON DRAINAGE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MILNER GIBSON moved the Second Reading of the Bill.

Sir BENJAMIN HALL believed the Bill one of the most important measures of a private nature ever introduced into Parliament, and considered full time should be afforded for its discussion. It contained most extraordinary clauses. The promoters promised two great sewers to be made one on the north side of the Thames, ending at Barking Creek, and the other on the south side, and to erect works at the termini to convert the sewage into manure for sale; but, fearing that it might not turn out a profitable transaction, and that they would not get a sufficient dividend, they inserted a clause in their Bill to enable them to tax the inhabitants of the metropolis to such an amount as, after paying all their expenses, would provide a dividend of 3 per cent on the capital proposed to be raised. It was said that these works were intended for the improvement of the river Thames. If this was the main feature of the case, and any guarantee of a dividend was to be sanctioned by Parliament for a scheme which might thus be considered of national importance, it became a question whether this guarantee should not be paid for by the country at large rather than by a local tax; but the company being a trading company, and trading for their own benefit, no guarantee should be given. He was told the promoters would not proceed if the guarantee clause were struck out. On the whole it was a most important question to the metropolis, and, in order to give full time to consider the Bill, he begged to move that the second reading be postponed to the 6th of April.

MR. W. WILLIAMS seconded the Amendment. He thought the Bill ought to be postponed, in order to give the metropolitan parishes an opportunity of considering the details. He believed some objections had been made to it by several parishes. If these objections were obviated, facilities might be given for passing the Bill; but he could not think it could be allowed to pass in its present shape.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Wednesday the 6th day of April next."

MR. MILNER GIBSON said, he had been asked to move the second reading of this Bill, and he had not consented to do so without consideration. This was a great public work that must be done by somebody. The metropolis must be drained. A question was put to the noble Lord the Secretary of State for the Home Department, whether it was the intention of Government to introduce any measure for the purpose of enabling the present Commissioners of Sewers to borrow money on the security of the rates; and the noble Lord (Lord Palmerston) replied that that depended very much on a private enterprise undertaken by an association of capitalists who, if he was rightly informed, intended to bring in a Bill to construct two great arterial sewers, one on the north and the other on the south side of London, and that if that project should be approved by Parliament it would render any loan to the Commissioners of Sewers unnecessary. It appeared, therefore, that if this company of capitalists did not come forward, the Commissioners of Sewers would be prepared to undertake this great public work; but he felt confident that the cost to the ratepayers—and he spoke in the capacity of a ratepayer—would be far greater if it were done by the Commissioners of Sewers, than if it were done by a private company. The object of the company was to convert the sewerage into a valuable manure, and thus to reimburse themselves. But it was said that it was wrong for them to ask for any guarantee. That guarantee was that if the profits did not give an amount of 3 per cent, the deficiency should be made up by the ratepayers. It was thought reasonable to make such a proposal, as the ratepayers would derive great sanitary advantages from the drainage. They only asked now for the second reading of the Bill, and they hoped that the Bill might be sent to a Select Committee, in order that the reasonableness of the proposal might be inquired into by the Committee; and it was his private opinion that if the Committee would not permit the guarantee, so great was the confidence of the parties in the undertaking, that they would carry it out, but he did not think they should be called upon to undergo that risk. The promoters of the Bill did not make it a *sine quâ non* of their measure; they only asked that it should be inquired into. There had been a proposal that the ratepayers should share the profits, and there might be a proposal to that effect made before the Committee, if the profits were beyond a certain amount, or it might be proposed that the guarantee should be permissive and not compulsory. He therefore asked the House not to reject the Bill on account of these details.

SIR DE LACY EVANS said, if this were a mere question of detail, he should be willing to agree to the second reading. It was not, however, a question of detail, but of principle involving the right of taxing the public. It was only reasonable to give time to those who would be affected by it to examine the Bill, and he therefore should support the Amendment.

MR. T. DUNCOMBE said, he wished

the right hon. Gentleman (Mr. M. Gibson) had tried his experiments with his own constituents; Manchester would never have stood this Bill. He believed the whole scheme most absurd, ridiculous, impracticable. They were going to empower a new body to break up the streets. Why, at the present moment they were almost impassible. What between paving boards, lighting boards, the Commissioners of Sewers, and gas companies, the pavement was in continual motion. The Bill was "to drain the metropolis." Why, what were the Commissioners of Sewers for? He could not understand how the noble Lord the Home Secretary had listened to such a visionary scheme for a moment; and, after all, he understood the manure would not be worth a farthing, or at least nothing near so useful as guano and things of that kind. He was quite ready to vote against the second reading of the Bill at that time, and not to put it off at all.

Mr. SOTHERON said, he trusted the House would be favoured with the opinion of the noble Lord the Secretary for the Home Department on this Bill.

Viscount PALMERSTON said, he thought this a very important question, inasmuch as the object was to effect a great improvement in the drainage of the metropolis, and to do that which must be the foundation of any system of drainage. It was evident that unless they got some great outlet at a sufficiently low level to enable the ends of the drains to be discharged into it at some distance from the metropolis, nothing they could do would have any real or considerable effect. The question seemed to be whether this work, which must be very expensive, should be undertaken by an association of private individuals, who entered into it as a commercial undertaking, or whether the money requisite should be raised by loan, that loan to be guaranteed upon the rates levied on the various parishes and districts of the metropolis. He thought the metropolitan Members, representing the feelings of their constituents, would prefer that this work should be done by private enterprise, rather than by money the interest and sinking fund of which must be defrayed by rates to be levied on the inhabitants of the metropolis. He had, perhaps, rather misled the House the other day when he said that he thought this great work would supersede the necessity of any further material outlay. He had since been informed that the state of the district drains of the metropolis was such that a very large outlay might be necessary in order to place them in effective relation with these main sewers. He was told that there were many districts of the metropolis in which to this day there were no sewers, and that other districts would require a very large outlay in order to have their sewers, which were now much decayed, placed in good condition. It was quite clear, therefore, that there was a want of a considerable expenditure on the other sewers, and that seemed an additional reason why the metropolis should be relieved from the necessity of providing by rates for the construction of so great and expensive a work as the promoters of this Bill proposed to undertake. There was, however, a provision in the Bill to which objection was made, namely, the guarantee of a certain percentage on the outlay. That was a matter, he thought, not for the second reading, but for a Committee, and it might be more properly considered were the Bill to be referred to a Select Committee. He must say, stating his own opinion, that if this project held out sufficient inducement to invest a large capital in its execution, a guarantee of three per cent was almost inconsistent with the views which had led them to undertake the enterprise. If it would answer at all, it would answer without that guarantee; and if the guarantee were required, it was an undertaking in which he would not recommend the investment of money. But his opinion was, that the understanding would answer. The point of the guarantee was a question for a Committee; and any difference of opinion as to it, ought not to prevent the House from reading the Bill a second time now, in order to refer it to a Committee.

Lord SEYMOUR said, for many years they had been considering the best means of draining the metropolis. Now the House of Commons seemed to object to the Commission of Sewers, which certainly was by no means a popular body. Again, it had been proposed that a Government Board should undertake it, and that was considered still more objectionable. Now another proposal was made, that a private company should undertake the arterial drainage. Now there were great objections to a private company doing any thing of the kind. They had had private companies supplying them with water, and that had not been satisfactory; they put themselves under their power, and had very great difficulty in getting rid of them. But it must be remembered that they had got to drain an immense area, and he inquired some time ago of some engineers what it would take to drain the north bank of the Thames without touching the other side, and they told him he must not expect to do so under 1,500,000*l*. If this company could undertake to do it, and the ratepayers could be certain of not having any charge made on them, and, at the same time, have the work efficiently done, they would, of course, receive a great benefit, and, therefore, it would be well, with a view to obtain some information on the subject, that the Bill should go to a Committee upstairs. He saw some objection to that, but he thought the matter worthy of inquiry; and if it was to be inquired into, he hoped there would be no delay, because the noble Lord (Viscount Palmerston) said that any Government measure would depend in some degree on what was done with this, and if they delayed they might lose another year.

SIR JOHN SHELLEY said, he thought there could be no doubt that the three great nuisances of this metropolis were the Commissioners of Sewers, the Board of Health, and the Corporation of the City of London. He believed the Corporation of London were backing this Bill. He always wished that any measure affecting very important interests should be referred to a Committee; but in this instance, notwithstanding the observations of his right hon. Friend near him (Mr. M. Gibson), he believed it to be a fact that the question of the 3 per cent guarantee was vital to this Bill, because the parties would admit that they had no hope of getting the necessary capital together, unless the House consented to the guarantee. The postponement of the Bill for three weeks would enable the promoters of the Bill to turn round and see whether they were right in this belief. He did not go so far as to say that the measure was absurd, for he wished to see the drainage of London carried out on one large plan, and in such a system the City must be included. Though anxious to refer the Bill to a Committee, he could not consent to the second reading now, as the ratepayers had a right to have the measure well considered.

MR. LOCKE said, he thought that to refer the Bill to a Committee, which might modify or remove the guarantee clause, would be a great injustice to the subscribers to the company, who had joined it on the faith of that guarantee.

MR. VINCENT SCULLY said, that, in regard to the guarantee principle introduced into this Bill, he had been requested by the right hon. Gentleman near him to mention a circumstance to the House—

MR. M. GIBSON wished it not to be stated that he had made the request.

MR. VINCENT SCULLY: Well, then, it had been suggested to himself by his own mind, that this principle of a local guarantee to a private company, which appeared so strange in this country to English Members of the House, was perfectly familiar in Ireland. He could name many instances where guarantees had been required from impoverished districts of Ireland by those metropolitan Members who now protested against the application of the same principle to their own more wealthy constituents. A guarantee of 3½ per cent was given some years ago by the ratepayers of Galway and Roscommon upon the capital expended by a private company in extending their line of railway from Athlone to Galway. Similar local guarantees of 3 per cent were contained in several of the Irish Railway Bills now before the House: amongst others, in a Bill affecting a portion of the country which he had the honour to represent—namely, the Bill for extending the Bandon Railway to Bantry, with a branch to Clonakilty. In regard to that Bill, the ratepayers of the districts west of Bandon have voluntarily come forward, at public meetings, and agreed to subject themselves to a certain amount of guarantee. Although a railway does benefit the district through which it passes, it is also beneficial to the nation at large. But the Bill before the House was peculiarly calculated to benefit the inhabitants of the metropolis, whose sanitary condition it would greatly improve. The metropolitan Members who had so constantly advocated the principle of a local guarantee in Irish measures of improvement, and had invariably denounced those Irish Members who, in their phrase, wanted to have "a pull at the Exchequer," now rose *en masse* to protest indignantly against the application of so very novel a principle to their own case. But what surprised him most in this debate was, that one metropolitan Member, the hon. Baronet the Member for Marylebone (Sir B. Hall), who had particularly distinguished himself upon all occasions by his determined opposition to any public grants for Irish purposes, even during the dreadful famine years, had now the modesty to suggest that this London improvement should be made out of the Consolidated Fund. He had looked into the Bill now before the House, and found that the utmost sum which the proposed guarantee of 3 per cent could entail upon the ratepayers, was 30,000*l.* a year, being, as he was informed, rather less than one halfpenny in the pound upon the rateable property of the constituents of those metropolitan Members, who now so vehemently opposed this portion of the Bill. He thought that, if the principle of a local guarantee was a good one in Ireland, it ought to be also introduced and applied in England. For those reasons he considered that the Bill in its present form should be allowed to go before a Committee.

Mr. DIVETT begged the House not to vote for the second reading of this Bill, with the impression that it was possible for this work to go on as a private speculation, because, in his opinion, that was a perfect delusion, and in voting for the second reading, they would be in reality voting for the guarantee.

Mr. WILKINSON said, he had always heard his constituents say they were ready to pay their share towards an efficient system of drainage. Although he did not express any opinion as to the amount of the proposed guarantee, which might be a question for the consideration of the Committee, he thought it would not be expedient to refuse a guarantee to a scheme which would save the ratepayers from expenditure in some other form.

Mr. CAYLEY said, he thought the parties who came forward to supply a public want of this kind ought rather to be looked on as public benefactors than as speculators upon the public purse, as they were represented as being. A Committee of the House of Commons had stated that the evils now complained of could only be got rid of through the instrumentality of a private company; and the benefit contemplated was so important a one that, even supposing the payment of the guarantee by the ratepayers was certain, instead of being only contingent, he thought they ought not to refuse their sanction to the second reading.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 111; Noes 16: Majority 95.

Mr. V. Scully

Main Question put, and *agreed to*;—Bill read 2°, and *committed*, and referred to the Committee of Selection.

CRUELTY TO ANIMALS BILL.

Order for Second Reading read.

Mr. T. DUNCOMBE said, in bringing forward this Bill, he had to propose that it should be read a second time without any discussion, and committed *pro formâ*, with a view to the introduction of certain amendments which had been recommended by hon. Members opposite, with reference to dog carts, by which much cruelty to animals was inflicted. Should any objection be taken to the Bill, he reserved to himself the right of reply.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. FORBES MACKENZIE, in order to give the hon. Gentleman the Secretary for the Treasury (Mr. Fitzroy) an opportunity of replying to the future statement of the hon. Member for Finsbury, would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. T. DUNCOMBE said, his object in introducing this Bill was, as the preamble stated, to give the right of appeal in all cases of conviction under the Act for the Prevention of Cruelty to Animals, instead of, as now, limiting the right of appeal to cases in which the fine was 40*s.* and upwards. Much hardship had been suffered under the present system, both in the metropolis and in the country; but he was prepared to state a specific case, in which such a power of appeal as he contended for was imperatively called for. A case had been brought under his notice in which a farmer named David Hill had been summoned before the magistrates at Penrith for alleged cruelty to some sheep. It appeared that these sheep, which had the rot, had been penned in a field belonging to the Rev. Mr. Milner, the vicar of Penrith, who, on discovering this, wrote to Hill, stating that if he did not pay him 4*l.* for the damage which he considered to be done in contaminating the field, the matter would be handed over to the rev. gentleman's solicitor. No notice was taken of this by Mr. Hill, who then (the Rev. Mr. Milner finding, perhaps, that nothing was to be done in this way) received a summons to appear before the petty sessions for having used cruelty towards his sheep by reason of having driven them whilst in a diseased state, where it was alleged that the Rev. Mr. Milner was present, and took so active a part in the proceedings as to warrant the belief that he was adjudicating in his own case. Mr. Hill was fined the sum of 1*l.* 19*s.* 6*d.* The bench, although pressed to do so by the defendant's solicitor, would not make the penalty another shilling, so as to give the right of appeal, and Mr. Hill being threatened with a prison if he did not pay the money, had no other alternative than to do so. Mr. Hill then made applications to the Lord Chancellors Truro and St. Leonards; but nothing was done by them in the matter, and repeated applications to the Home Office were also unavailing. He (Mr. Duncombe) had received from two of the magistrates concerned in the conviction, letters, which were not impertinent, perhaps, but which were certainly not very courteous; but he had received a petition to present to that House respectably signed, bearing out the facts as he had stated, and there seemed no doubt that if Mr. Hill could have appealed, the conviction would have been quashed. Besides giving the right of appeal in all cases—to the poor man as well as to the rich—he proposed by this Bill to extend the time allowed for entering an appeal to a week or ten days, instead of three days, as at present; and it was his intention at the same time to introduce other clauses with regard to dog carts, and two or three matters in which he thought it would be very desirable to have the law amended. Upon these points, however, it would be better to take the discussion in Committee, after the House saw the form in which it was intended to pass the Bill.

Sir GEORGE GREY said, that as he was formerly Home Secretary, having been alluded to relative to the case of Mr. Hill at Penrith, he thought it due to the magistrates who had adjudicated in that case to say, that having received a memorial complaining of their conduct, he had instituted inquiries into the matter. In answer to these he had received a statement from the four magistrates who sat at petty sessions, in which they denied that the Rev. Mr. Milner had taken any part in the proceedings as a magistrate, that the fine was purposely imposed of such an amount as to take away the right of appeal, or that Mr. Hill or his attorney ever demanded that it should be increased to 40*s.*; and they asserted that the charge of cruelty in driving the sheep from Falkirk to Penrith was fully proved. He (Sir G. Grey) then thought that a perfect answer was given to the memorial; and he now found, by the statement of his hon. Friend (Mr. Duncombe), that two successive Lord Chancellors had concurred with him in that opinion. He thought that no necessity for an extension of the power of appeal in these cases had been proved. If it was right that that power should be given without any regard to the amount of fine, then it might possibly be right to introduce a more general measure, applying to other cases than those of convictions for cruelty to animals.

Mr. FITZROY said, he thought that no adequate grounds had been stated to induce the House to agree to the second reading of this Bill, which had, in fact, been introduced to give his hon. Friend (Mr. Duncombe) an opportunity of bringing forward what he conceived to be the injustice of a case heard in the north of England. He thought, however, that the statement of the right hon. Baronet (Sir G. Grey) had quite disposed of that case. With respect to the extension of the appeal in cases of conviction, under the Cruelty to Animals Act, he must remind the House that there was already a more extended right of appeal here than in almost any other class of convictions. Under the Assault Act, 9 *Geo.* IV., giving the magistrates power to inflict 5*l.* fine, or two months' imprisonment, there was no appeal whatever; under the Police Act, 2 & 3 *Vict.*, c. 71, there was no appeal where the fine was under 3*l.*; nor was there any appeal under the Scotch Cruelty to Animals Act. He did not therefore see the slightest necessity for extending the right of appeal to cases where the conviction was for less than 40*s.*, especially as an appeal was allowed in all cases where imprisonment, even for a single week, was inflicted. He believed that any extension of this right would be advantageous rather to the rich than to the poor. With respect to the expediency of extending the time for giving notice of appeal, he offered no opinion, but he certainly thought that it was not worth while to pass an Act of Parliament for so slight an object. The provisions with regard to cruelty committed by dog carts and in other ways were so foreign to the object of the Bill that he did not think they should induce the House to read the Bill a second time.

Mr. IRTON said, he could bear testimony to the high character of the Rev. Mr. Milner and the Penrith bench of magistrates.

Mr. AGLIONBY said, he would willingly bear testimony to the respectability of the persons who had signed the memorials complaining of the decision of the Penrith magistrates. If the right hon. Baronet (Sir G. Grey) having inquired into, had adjudicated upon the matter, no one could have questioned his decision; but neither the right hon. Baronet nor the two Lord Chancellors had ever returned any answer to the memorials addressed to them. For his own part, he would take away appeals in all cases, and let cases be settled at once; but still, if there were to be any appeals at all, he thought that there should be no limitation to them. On what principle should a fine of 40*s.* give an appeal, and 39*s.* 6*d.* not? The injury to the feelings was the same in both cases. The hon. Gentleman the Under Secretary for the Home Department (Mr. Fitzroy) said that the right of appeal was limited in other cases by much more stringent regulations; but he thought that was so much the worse for the law. He should support the Bill because he did not think that on the difference of 6*d.* in the amount of a fine should depend the question whether a man had or had not a right to appeal.

Mr. HILDYARD said, he had received letters from two attorneys present on the occasion of the hearing of Mr. Hill's case, who both confirmed the statement that the Rev. Mr. Milner did not act as a judge on the information which he preferred. The hon. Member for Finsbury (Mr. Duncombe) said he had received not very courteous letters from two of the magistrates. But he (Mr. Hildyard) held in his hand a copy of a letter from the hon. Member to one of those magistrates, dated February 19, 1853, in which he stated that he enclosed a copy of the Bill, and he added, "Should it pass, I trust it will prevent a recurrence of that flagrant injustice which I consider was inflicted on Mr. David Hill." He thought it was an abuse of the privilege of a Member of Parliament to write to a magistrate whose conduct had been arraigned, and who had been acquitted of blame, and to tell him that he had committed a flagrant injustice. As a lawyer, he would tell the hon. Member, that if the magistrate in question were disposed to act in the manner for which the hon. Member apparently gave him credit, and if he were to bring this letter before the Queen's Judges, he would find that he had addressed a libel to this magistrate, and that although in the privilege of speech he was protected in that House, yet that nevertheless he was not justified in casting a libellous imputation upon gentlemen in the discharge of their magisterial duties. He should vote against the Bill, which he could not help fancying was brought forward to enable the hon. Member to represent this grievance.

Mr. DEEDES said, that it was his intention originally to have moved a clause prohibiting the use of dogs in dog carts in the country, as well as in London, giving greater facilities for the feeding of animals while in pound, and for the recovery of any expenses which parties might be put to for so doing; but as he saw that clauses of that nature came scarcely within the scope of the present Bill, he did not mean to persist in that determination. He was bound, however, to add, that no sufficient case had been made out for the introduction of the Bill.

The ATTORNEY GENERAL said, he was afraid that the Bill of his hon. Friend (Mr. Duncombe) was too much founded on a single isolated case, which would not justify the House in interfering with legislation based upon anything like sound principles. He believed that it would be most undesirable to introduce a right of appeal in cases where the fine was lower than what the law at present allowed. On the contrary, he quite agreed with the hon. Member for Cockermouth (Mr. Aglionby), that it would be better to do away with the right of appeal altogether, than extend it to the class of cases supposed by the Bill. Such a right, in his opinion, would only work against the poor; for it would enable the rich defendant to crush and oppress by heavy costs the humble prosecutor. And though there was something in the uniformity of practice contended for by the hon. Member for Cockermouth, still he much preferred the line of demarcation which the law at present drew.

Sir De LACY EVANS said, he had intended originally to support the Bill of his hon. Friend; but on coming to look at its provisions as introduced, he was forced to come to the conclusion that its effect would be anything rather than to diminish cruelty to animals.

Mr. T. DUNCOMBE, in reply, said, as

for what the hon. and learned Gentleman (Mr. Hildyard) had said would be the consequences if his letter were carried before the Judges of the land, he did not believe a word of it, for he had no faith in the law of the hon. and learned Gentleman. He was ready to meet the Rev. Mr. Milner in a Court of Justice, if the latter thought proper. He had made his statement upon the authority of sixteen or eighteen farmers and yeomen, friends of Mr. Hill, and who were quite as respectable as the Rev. Mr. Milner himself. But he had also stated, it seems, that he had received two impertinent letters from a gentleman connected with those proceedings. The first said that he (Mr. Duncombe) had been pleased to assert that "one David Hill"—the House would mark, "one David Hill," just as if he was not quite as respectable and quite as upright a person as the writer—but it went on, that he had been pleased to assert that flagrant injustice had been done by the conviction of the said David Hill; and he begged to ask him (Mr. Duncombe) what he meant by such statements? Now, seeing that this letter was from a clerical gentleman, of course it would not bear such an interpretation, but if it had proceeded from any one else, he must say that its aspect would have been remarkably hostile. However, the reply which had been denominated so impertinent—and, perhaps, it was meant to be impertinent—was to the effect that he (Mr. Duncombe) in his discharge of his public duties had brought in a Bill to prevent cruelty to animals, and that the rev. gentleman was at liberty to draw any conclusion he liked from that fact. But his rev. correspondent was not content with that reply, so he (Mr. Duncombe) had another letter from him, which was a compound of bad grammar and nonsense. Mr. Hassell said, "I call upon you to answer the simple question whether or no"—there's grammar for you—"you include me in the charge of injustice? I require a distinct answer to the question." Whether or no! Why, David Hill himself could not have done worse than that. Now, it appeared to him that "Whether-or-no's" question was not a straightforward and candid one. He wished to know its object, and therefore he wrote to Mr. Hassell, saying—

> "I am at a loss to know whether your inquiry is founded on a desire to have my Bill amended. If so, I shall be happy to receive any assistance from you, especially if you should have an amendment to propose for the purpose of prohibiting persons in holy orders from officiating as magistrates. I believe that such an amendment would give universal satisfaction to the country, by conducing to that peace and goodwill among men which it is the duty of your office to promote."

He did not hear again from Mr. Hassell.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 17; Noes 91: Majority 74.

Words *added*.

Main Question put, and *agreed to*.

Second Reading *put off* for six months.

LAND IMPROVEMENT (IRELAND) BILL.

Order for Committee read. House in Committee.

Clause 22 *agreed to*.

Clause 23.

Colonel GREVILLE said, he begged to move an Amendment in Clause 23, page 12, line 31, after "Act," to insert "in respect of the classes of improvement marked in Clause 8 of this Act, by the numbers 1, 2, 4, 6, 8." If his Amendment were agreed to, he believed that the operations of the Bill might be made to extend to a very much poorer description of land than that which it would if the clause remained unaltered; and it seemed to him that the interests of all classes interested in land were now-a-days so clearly defined and protected by law, that no one could have any objection to seeing land of the least valuable kind open, at all events, to receive the benefits of the Bill, more especially as it was entirely of a permissive character. The description of land to which his observations had reference, was not, in its present state, worth more than 4*s.* or 5*s.* an acre; and, consequently, under the clause as it stood the expenditure should be confined to 1*l.*, whereas a smaller expenditure than 4*l.* or 5*l.* would produce no effect. He begged, therefore, to move that no limitation of expenditure should be applied to those cases.

Sir JOHN YOUNG said, he considered that the Amendment, if adopted, would alter the whole principle of the Bill, and therefore he must object to it.

Lord NAAS said, he considered that as the Bill now before the House was based upon an Act which had been found to work most successfully in Ireland, its provisions ought to be strictly adhered to; and the more so, as there were other Bills to come before the House having for their object the encouragement of land improvement in that country, and by means of which the wishes of the hon. and gallant Member (Colonel Greville) would in all likelihood be carried out.

Mr. FITZSTEPHEN FRENCH said, there were large quantities of improvable land in Ireland, and it would be well to afford some incentive for their improvement.

Mr. V. SCULLY argued, at some length, in support of the Amendment, insisting that the 36th Clause of the Bill, as it then stood, invested the Commissioners of Public Works with an unlimited power to increase compulsorily, to any extent, the rent of a tenant whose holding might be improved, even against his will, by the landlord. He contended that if this principle of compulsory valuation were to be applied in favour of an improving landlord, against an occupying tenant, it would follow, as a just consequence, that it should also be introduced to the same unlimited extent in favour of the tenant, into the Landlord and Tenant Bills, which were now before the Select Committee. The present Bill was one which ought, in his opinion, for several reasons, to have been also referred to the same Committee; but, at all events, the principle of an unlimited compulsory valuation, in favour of the landlord, which was clearly involved in the 36th Clause, was one that should not be introduced in this House without full deliberation and discussion.

Colonel GREVILLE said, he would withdraw the Amendment.

Clause *agreed to.*

Clause 36.

Mr. KIRK said, he wished to add at the end of this clause the following Proviso:—

"Provided always, that the said increased rent to be so fixed by the said Commissioners of Public Works in Ireland shall not exceed the sum of *5l.* annually for each 100*l.* so laid out under the provisions of this Act; and that the tenant in occupation, if he feels himself aggrieved by the decision of the said Commissioners of Public Works, may appeal to the assistant barrister at quarter sessions in all cases when the said increased rent shall not exceed 50*l.* a year; or in cases when the increased rent exceeds 50*l.* a year, then to one of the superior courts of law in Ireland, whose decision in each case shall be deemed final and conclusive."

Sir JOHN YOUNG said, he thought this would be a dangerous Amendment to introduce into the Bill. He had known cases in which the money laid out was repaid in the course of two years; and if this limitation was adopted, the only effect of it, in many cases, would be that the landlord would not lay out the money.

Lord NAAS said, he was opposed to the clause, considering that its effect would be to expose landlords to vexatious litigation.

Mr. BRADY said, he would suggest the following proviso to the Amendment:

"Provided always that the said increased rent shall not exceed the sum of *5l.* annually for each 100*l.* so laid out under the provisions of this Act, unless otherwise agreed upon by the landlord and tenant."

Mr. J. D. FITZGERALD said, he would recommend that both the Amendment and the Proviso should be withdrawn, and that the power of appeal should be given both to the landlord and tenant against the decision of the Commissioners of Public Works.

Amendment and Proviso, by leave, *withdrawn.*

The House resumed.

DERBY ELECTION.

Mr. INGHAM, the Chairman of the Derby Election Committee, appeared at the bar with the Report of that Committee. He said—

The Committee have come to the following determination:—

"That Michael Thomas Bass, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Derby.

"That Thomas Berry Horsfall, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Derby.

"That Lawrence Heyworth, esquire, was duly elected, and ought to have been returned a Burgess to serve in this present Parliament for the Borough of Derby.

"That the Petition of William Pool, so far as it regards the Return of Michael Thomas Bass, esquire, was frivolous and vexatious."

The Committee have also agreed to the following Resolutions:—

"That Thomas Berry Horsfall, esquire, was by his agents guilty of bribery at the last Election, but that it has been proved, to the satisfaction of the Committee, that such bribery was altogether without the concurrence or privity of the said Thomas Berry Horsfall.

"That Thomas Morgan seems to have been the person principally engaged in the above-mentioned acts of bribery, and the funds for such purpose appear to have been furnished to Morgan through the intervention of a person named Thomas Lund.

"That it has been proved, as to several of the above parties, that at former Elections they have received money for their votes, and the Committee have reason to believe that such corrupt practice has been prevalent in the Borough; and they desire to state their opinion, that parties once reported to the House as guilty of bribery, should be disqualified for the future from exercising any Parliamentary franchise."

Clerk of the Crown to attend *To-morrow*, and amend the Return.

PUBLIC HEALTH ACT OF 1848.

SIR GEORGE BROOKE PECHELL said, he rose to call the attention of the House to the operation of this Act. In 1847 and 1848 the Earl of Carlisle, then Lord Morpeth, devoted much time and attention to the framing of a measure calculated to give satisfaction—in a sanitary point of view—to the several interests that might be affected by its operation. The objects contemplated by the Public Health Act, namely, improved water supply, drainage, sewerage, paving, and lighting, were doubtless most desirable to be carried out. But in the endeavour to effect these objects, it created a system of centralisation not dissimilar to that which was so much complained of under the Poor Law Amendment Act. The Public Health Act proposed to bring towns within its operation in two ways—in the case of towns having local Acts or Municipal Corporations, by means of what was termed a provisional order, and a confirmatory Act of Parliament; and where there was not a local government, by an Order in Council. It also provided that no interference should take place in any town unless by Petition of not less that one-tenth of the inhabitants wishing to be brought under the operation of the Act. Now, as the House might suppose, it was not a very difficult matter to induce one-tenth of the inhabitants of a town to petition when they were told that by so doing they would get wide streets, plenty of water, and comfortable waterclosets. A petition being presented, the Board of Health sent down a gentleman, whom they called a superintending inspector, to see whether the Act should be applied to the place in reference to which the petition was presented, who, of course, always reported that it was necessary to carry out the Act, or his occupation would be gone. A provisional order was then issued, to which the sanction of the House was obtained, without the House really knowing anything about the matter. He (Sir George Pechell) would now explain to the House what a provisional order consisted of. Here was the case of a town of 60,000 inhabitants, having a good local management of its own. In that instance thirty-five out of the 142 clauses of which the Public Health Act consisted were omitted, as not expedient to be inserted in the provisional order; thirty-seven clauses were adopted out of the Towns Improvement Act; and sixty-three clauses out of the Towns Police Act; and, lastly, eighty-five clauses were struck out of the local Act. So that for the purpose of this provisional order, clauses from the Public Health Act, the Towns Police Act, the Towns Improvement Act, and the local Act, were all embodied in one provisional order. This order being brought down to the House, and placed in charge of the doorkeeper, the Chief Commissioner of Works, as President of the General Board of Health, then introduced a Bill confirmatory of its provisions. Such was the practice where a town having a local management or municipal corporation was concerned. But other places, which were not under a local Act, were altogether differently situated. They had not the same means of fighting against the Board of Health as a corporation, because they were at once brought under the Act by an Order in Council. According to the Board of Health, nothing could be done satisfactorily without the adoption of their rules and regulations; and he (Sir George Pechell) would show the House what had been done throughout Great Britain. By the last return, dated June, 1852, there were seventy-one towns to which the Act had been applied by provisional orders and the subsequent legislation of that House; sixty-six to which it had been applied by Orders in Council; twenty-three respecting which the provisional Orders were pending; six respecting which the Orders in Council were pending; and twelve to which the Board of Health stated it was not expedient to apply the Act at present. Amongst the twelve to which the Board reported it was not expedient to apply the Act was Birmingham. And why? The fact was that Birmingham had repudiated their interference and the Public Health Act altogether. The ratepayers of that town had already twice defeated in this House an attempt to bring them under the operation of the Public Health Act, and they had since obtained a local Act adequate to all the purposes required. In this list of twelve, the towns of Whitehaven, Cambridge, Ashton, Bath, and Whitstable were included. Further, it appeared, there were five towns which had adopted a part of the Public Health Act only, which were not dealt with as others, and were in a great measure independent of the Board. Sunderland was one, Stockton-on-Tees another, Cheltenham a third. Complaints as to the proceedings of the General Board of Health were made by Portsmouth, Dorking, Bromyard, Worcester, Salford, and Brighton. In some cases the local boards repudiated the interference of the General Board; and, in the case of Bromyard, it was contended that Mr. Babbage, the inspector, had gone down against the consent of the majority of the inhabitants, and that his Report was a tissue of absurdities and misrepresentations. He had reported, for instance, to show the state of the town, that in one day three funerals had taken place in Bromyard; but it turned out that these were the funerals of three old women, of the respective ages of 72, 92, and 95 years. Again, the number of ratepayers was 1,938, of whom 1,266 had protested against coming under the operation of the Act, whilst only 336 were in favour of the measure. With regard to Worcester, the mayor and corporation of that city had sent a petition to that House under the corporate seal, and their case was certainly one which required much attention. In fact, the city of Worcester seemed to have been dealt with in a most extraordinary manner. They stated in their petition that the Public Health Act allowed the local board to make by-laws, which were not however to be enforced until approved of by the Secretary of State; and it turned out that these people having made some by-laws according to the Act, and sent them up for the approval of the Secretary of State, that right hon. Gentleman finding himself in the immediate neighbourhood of the Board of Health, handed the by-laws over to them, and received for answer, "By no means agree to them." The petition also stated that the calculation made by the superintendent inspector was based upon the number of deaths that took place in seven years, being twenty-three in a thousand, and that in order to have a good case when he returned to Richmond-terrace, instead of taking the sanitary report for Worcester for the last seven years, he went back to the previous seven years to show that the city came within the provisions of the Act. It appeared further that there was a gaol, an infirmary, and a tolerably large union-house at Worcester, and that all these institutions were included in the scale upon which the inspector made his calculation for the district. The consequence was, that the mayor and corporation, and the inhabitants, were opposed to the interference of the General Board of Health, and that the business of the city was now at a standstill for want of the necessary by-laws. The commissioners of the local board not being able to transact any business satisfactorily with their surveyor, had dismissed that gentleman; but the General Board had refused to ratify the dismissal, or to allow them to appoint another officer, in whom they had confidence, in his stead. He would now proceed to speak of the expense attending the operations of the General Board. By the last printed return, he found that since 1848 they had received 18,581, and dispatched 56,742 letters; that 1,279 special letters had been written, and 1,030 letters with legal opinions upon the powers to be exercised by the local boards, and that an expenditure of upwards of 20,000*l.* had been incurred in letters and correspondence; besides the sum of 4,249*l.* for the Interment Act, and 10,000*l.* for salaries and costs of litigation. He believed that the proceedings which had in many instances been adopted by the Board of Health had brought upon them as much odium as used formerly to attach to the Poor Law Board. In fact, they were pursuing the same course as those Poor Law Commissioners, in not sufficiently consulting the parties who were the most interested in their proceedings. He had great confidence in the intentions of the right hon. Baronet who was now at the head of the Board of Health (Sir W. Molesworth); and he hoped his right hon. Friend would take care that an inquiry should be made into the complaints of the parties who had petitioned that House—an inquiry not by the Board of Health, but by a Committee of the House of Commons. Something must be done in the matter, and, in his opinion, the provisional orders should come before the House in a tangible shape, and, as they repealed the provisions of local Acts, should be sent to be dealt with by the Standing Orders Committee in the same manner as Railway Bills. He would conclude by moving for the Returns of which he had given notice.

Mr. LASLETT said, he had great pleasure, as Member for Worcester, in seconding the Motion. The petition from that city had upwards of 2,000 signatures affixed to it, and it represented that the Act was introduced there under false representations, and that if the local board were not invested with some discretionary powers in the execution of their duties, the measure would prove a dead letter so far as the city of Worcester was concerned. Much ill-feeling existed in that city upon the subject; indeed, to such an extent did it prevail, that if, by breaking the law, they could get rid of the officers appointed, and in whom they had no confidence, he believed they would be ready to do so. Unless the Government intimated that it was their intention to take the matter into their consideration, he should himself, on a future day, move for a Committee to inquire into the operation of the Public Health Act in the city of Worcester.

Motion made, and Question proposed—

"That Returns of all places which have petitioned the General Board of Health for the application of the Public Health Act, 1848, with the dates when such Petitions were received, distinguishing the towns where Provisional Orders have been confirmed, and where Orders in Council have been issued, with the dates of such Provisional Order and Orders in Council, stating whether an original or an amended Order, with the dates of any such amended Orders that have been issued to such towns:

"Of the towns that have been struck out of the Schedules of the several confirmatory Bills in Parliament, with the dates when they were so struck out, distinguishing those towns whose Provisional Orders have subsequently been confirmed by Parliament:

"Of the names of any places to which inquiries have been directed with the view to the application of the Public Health Act, without any Petition for the same, from one-tenth or more of the inhabitants rated to the relief of the Poor within such places:

"Of the places which have sent Memorials to the General Board, complaining of the manner in which the Public Health Act has operated, or of the manner in which it is proposed by the General Board to apply the same to their town; with the number of Petitions for the amendment of the said Act which have been presented to this House:

"Of any representations as to the expediency of increased powers beyond those possessed by the General Board, either under the Public Health Act, or the Diseases Prevention Act:

"Of the amounts of Loans for which rates have been mortgaged on application from the Local Boards for the execution of works under the Public Health Act, and of the proportions of private and improvement works of house drainage or water supply, which have been executed compulsorily or voluntarily, and the average expense of such works, and also the average expense and rate of expense in the pound of the works for the supply of water, and the drainage of each of the towns, for the execution of which rates have been mortgaged under the sanction of the General Board of Health:

"Of the expenses of applying the Public Health Act by Provisional Order, and Order in Council, with the total amount expended in the application of the said Act, distinguishing the expenses of each preliminary inquiry, and of the printing and publication of the several Reports and Statements sanctioned by the Board in relation thereto:

"And, of the average expense of Acts for local or private improvement, or of Water Works Acts, as taxed by the Taxing Officer of the House during the last three years, be laid on the Table of the House."

SIR WILLIAM MOLESWORTH said, that he did not rise, as the President of the Board of Health, to defend all the provisions of the Health of Towns Act, referred to by the hon. and gallant Baronet, or to defend the present constitution of the Board of Health itself. Still he must be permitted to say that the original framers of the Health of Towns Act, and the administrators of it, had been excessively desirous of benefiting the public. The premises upon which that Act was founded were, that certain towns and populous places were in an unhealthy state, and that to promote the health of the inhabitants, to guard against diseases, and to prevent fevers, it was necessary that the system of water supply, of drainage, sewerage, and paving, should be amended and improved. In order to bring about these improvements, it was held that two things were requisite to be done: first, that the water supply, the drainage, sewerage, and paving, should be placed under efficient local management; and, second, that this local management should be subject to a certain degree of control, by some department of the Government. These were the objects of the Health of Towns Act, and therefore the General Board of Health had two duties to perform: first, to put the water supply, and the drainage and sewerage of various places, under efficient local management; and, second, to superintend that local management. It must be admitted, with regard to the first of these duties, that it was a good thing that the water supply, the drainage, sewerage, and paving, should be put under efficient local management. That was the object of the Health of Towns Act, and the Board of Health was the Department in which that control was placed. Before the passing of the Health of Towns Act, there was a great obstacle to the carrying out of these improvements, namely, the expense of obtaining a private Bill. Now, the first object of the Health of Towns Act was to enable those places which required these improvements to obtain a private improvement Act at a cheap rate; and it enacted, for that purpose, that upon the petition of one-tenth of the rated inhabitants of any town, or whenever the mortality of that town exceeded a certain amount, the Board of Health might appoint an inspector to inquire into the sanitary condition of the place. The inspector was to report to the Board of Health, and then, within a given period of time, the Board of Health might in certain cases draw up a Report to the Privy Council, and in other cases issue a provisional order. These Reports to the Privy Council, and these provisional orders, were, in effect, local improvement Bills; the former became law by means of Orders in Council, and the latter by means of confirmatory Acts. These were more in the nature of private Acts than public Acts, although they were not required to go before the Private Bill Committee. In fact, the duty of the Board of Health in respect to these Acts was precisely the same as the duty of a Private Bill Committee of that House towards a local Act. There could be no doubt that, by means of the Health of Towns Act, various places had been enabled to obtain local Acts at a cheap rate. According to a return extending over a period of two years, he found that the expense of local improvement Acts amounted to about 2,400*l.* a piece; whereas, under the new system of obtaining a provisional order under the Act in question, the cost did not exceed 102*l.* Therefore, if 2,400*l.* was the average for each local Act, it followed that the total cost of obtaining local Acts for the whole 151 places in which provisional orders had been applied by the Board of Health, would have amounted to no less than 365,000*l.*; whereas, under the Health of Towns Act, the total cost had only amounted to 15,000*l.*; thus effecting a saving of no less a sum than 350,000*l.* He did not mean to say that all the provisions of the Health of Towns Act, or the constitution of the Board of Health, or its administration, were perfect; and, therefore, at the present moment, the Government were taking the subject into their most serious consideration, with the view of both amending the constitution of the Board of Health, and making certain alterations in the Health of Towns Act. He could assure the hon. Gentleman (Mr. Laslett) that the case of the city of Worcester was especially engaging the attention of the Government, and they hoped before long to be able to bring in a measure which would give satisfaction both by changing the constitution of the Board of Health, and by making certain alterations in the enactments of the Health of Towns Act. At the present moment he hoped that the House would not expect him to speak more distinctly; but he could assure the House that the subject was under his most serious consideration, and he hoped to be able to prepare a measure which would bring about the advantageous working of an Act which he believed to be founded upon a good general principle, although he admitted that some of its details might require amendment. He hoped that the House would not at present occupy any further time on the subject, but would allow the other business on the paper to be proceeded with.

Lord SEYMOUR would only say that he thought that if they could get a cheap mode of obtaining local Acts it would be the best thing they could do, and for that purpose it would be necessary to have the provisional orders of the Privy Council that were now made under the Act put in some clearer form, for the present form made it almost impossible to know what the orders were.

Mr. EVELYN said, he concurred in the opinion of the noble Lord that cheap local Acts would be less expensive than petitions to the Board of Health, while they would be much more satisfactory. At present small towns were left to the mercy of that Board, who enjoyed a sanitary monopoly, and would adopt none but their own plans. Every town in England should have the power of deciding upon the plans to suit it in sanitary matters.

Mr. HENLEY said, he was glad to hear the announcement of the right hon. Baronet (Sir W. Molesworth) as to the revision of the constitution of the Board of Health, and the amendment of the Act; because unquestionably the Act was not working satisfactorily, and in the orders made under it frequently matters foreign to the purpose of the Bill were introduced.

Mr. WHALLEY said, that the statement of the right hon. Baronet as to the cost of obtaining private local Acts, as compared with that of obtaining a provisional order under the Board of Health Act, was a proof of the objectionable manner in which the private business of the House was conducted. It was, in fact, a greater incubus on the enterprise of the country than the Ecclesiastical Courts or the Chancery Courts, which had been so much denounced in that House.

Mr. BROTHERTON said, he was much surprised to hear one of the youngest Members of the House presume to say that the private business of that House was not conducted in a proper manner. He had seen great improvement take place in the mode of conducting that business, and it was a most unwarrantable assertion for the hon. Gentleman to say it was not conducted properly.

Mr. HUME said, he who was not one of the youngest Members of the House, would undertake to prove every word that his hon. Friend (Mr. Whalley) had stated. A large reduction of the expense might be effected in almost every branch of the private business.

Motion *agreed to.*

SOUTHAMPTON ELECTION COMMITTEE.

Report (this day) from Select Committee on the Southampton Election Petition read, as follows:—

Mr. Henry Arthur Herbert *reported* from the Select Committee appointed to try and determine the matter of the Petition of William Henry Mackey, complaining of an undue Election for the Borough and County of the Town of Southampton, that Robert Edmund Bower had misbehaved, in refusing to give evidence, before the Committee; and that he, the Chairman, had by direction of the Committee, by warrant under his hand, committed the said Robert Edmund Bower to the custody of the Serjeant at Arms, to await the pleasure of the House.

Mr. H. HERBERT, the Chairman of the Committee, said, that he wished to draw the attention of the House to the facts stated in the Report. Robert Edmund Bower had been tendered by the petitioners as a witness to give evidence before the Committee. Upon the Testament being handed to him, he stated that he had conscientious objections to taking an oath. He had then been asked whether he belonged to the sect of the Quakers, Moravians, or Separatists. He replied that he was a Separatist; upon which the form of declaration prescribed by Act of Parliament for that sect was commenced to be read by the clerk of the Committee. When coming to the words, "I do solemnly declare that I belong to the sect called Separatists," the man demurred, stating that in saying he was a Separatist he had meant that he had separated himself from other religious persuasions, but that he did not belong to any particular sect called "Separatists;" and he still peremptorily refused to be sworn. The Committee, under these circumstances, believed that, strictly speaking, it would be their duty to exercise the powers which belonged to them under the 83rd section of the Act of the 11 & 12 *Vict.*, of committing the man to the custody of the Serjeant at Arms. The Committee, however, felt great reluctance to exercise these powers, as they were unwilling that a man should suffer in any way for obeying a conscientious scruple; accordingly they adjourned, for the double purpose of giving the man time to consider what course he would adopt, and also of inquiring what course it would be proper for them to pursue. But after taking the advice of those Members of the House who were most competent to give an opinion on the subject, it appeared that if the man persisted in this course, the Committee had no option but to exercise the powers given them by the Act. Accordingly that morning the man had been called before them, when he (Mr. Herbert) explained to him the consequences of refusing to take the oath, and again the Separatist declaration was tendered to him, but he again refused to take it. Counsel stated that the man's evidence was material for the inquiry, and the Committee, under these circumstances, thought that they had no alternative but to commit the man, and to report to the House what had taken place. The Committee now awaited the decision of the House. He begged to move that Robert Edmund Bower should for the said offence stand committed to the custody of the Serjeant at Arms, and that Mr. Speaker issue his warrant accordingly.

Mr. HUME said, he would not at present oppose the Motion, but he should probably move that the man be brought to the bar, and asked his reason for refusing to take the oath on the Separatist declaration.

Resolved—"That the said Robert Edmund Bower do, for his said offence, stand committed to the custody of the Serjeant at Arms attending this House.

Ordered—"That the Serjeant at Arms attending this House do bring the said Robert Edmund Bower, from time to time, to the Select Committee appointed to try the Southampton Election Petition, as often as may be required by the said Committee:—And that Mr. Speaker do issue his Warrants accordingly."

CHATHAM ELECTION.

Mr. FORBES MACKENZIE moved that Sir William Jolliffe be added to the Select Committee on the Norwich petitions.

MR. STAFFORD, in seconding the Motion, said that he would take that opportunity of alluding to a matter in which he was personally concerned. It had been stated in an influential morning paper of the previous day, that, whereas—

> "In 1850, the Admiralty had resigned the dangerous patronage of the dockyard at Chatham into the hands of Sir Baldwin Walker, surveyor of the Navy, who exercised it without regard to politics, the Duke of Northumberland and Mr. Stafford last year took it from him, burked his remonstrance addressed to the Board, and threw the patronage back into the old corrupt channel, so far as actually to degrade the efficient men selected by Sir Baldwin Walker, and put partisans into their places."

He begged to say that the late Board of Admiralty were not at all aware of the charges brought against them by the witnesses before the Committee, for they had no knowledge of what was there stated, except so far as it might be gathered from the examination in chief and the cross-examination, which were often contradictory, and might be taken for anything or nothing. To the statement to which he alluded, he begged to give the most unqualified contradiction, and all he asked was, that the House would postpone its judgment on the conduct of the late Board of Admiralty until the Board should have had an opportunity of vindicating themselves, or, at all events, of knowing what were the charges against them. That was an act of justice which, as jurymen, they would not refuse to the meanest criminal. and which, as gentlemen, he was certain they would not refuse to the late Board of Admiralty.

Motion *agreed to.*

METROPOLITAN IMPROVEMENT BILL.

Order for Committee read.

The CHANCELLOR OF THE EXCHEQUER moved that the House go into Committee on the Metropolitan Improvements Bill (Repayment out of the Consolidated Annuity Fund).

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR WILLIAM JOLLIFFE said, it appeared to him that apart from the savings to be effected by the Bill, there were very grave objections to its principle. An amount not exceeding 1,220,000*l.* was to be transferred for the purposes of the Bill; but the total debt, with interest, only amounted to the sum of 961,302*l.* The Bill capitalised the arrear of interest, giving only the local taxation as security. The question would arise if this arrear of interest was the result of malappropriation of the London Bridge approaches fund, and if any monies had been improperly charged on this fund. The Act had been reprinted for the purpose of being made more intelligible to the House; but there were defects in it which still required amendment. The principle involved the liability of the taxpayers of the metropolis; but certain passages in the preamble made the whole Bill most obscure. The House should clearly understand that no further taxation was to be inflicted on the metropolis.

MR. HUME said, he did not think that any statement could remove the doubt which existed with regard to the Report on this subject. The Report stated that 296,000*l.* interest had been allowed to accumulate up to the 5th of January last. It was a great slur on a public department that such a sum should be allowed to accumulate. He thought that the subject should be referred to a Committee upstairs.

The CHANCELLOR OF THE EXCHEQUER said, he objected to the Bill being sent upstairs. He did not believe there was any information which might be asked for, that he was not in a position to give. He could assure the hon. Member (Sir W. Jolliffe), as he had on a former occasion assured the House, that, so far as the taxation of the City of London was concerned, so far as the duty on coals was concerned, so far as the whole question of the London Bridge Approaches were concerned, this measure introduced no changes whatever, one way or the other. It was entirely a question as to the mode of applying the money, and with regard to the London Bridge Approaches Fund, whether it should go through one department of the Government or another. One reason why he objected to sending the Bill before a Committee upstairs was, that every day's delay was a cost of 150*l.* to the Treasury. The object of the Bill was to save 130,000*l.* to the public, without injuring a human being, as far as he was aware of. Putting himself for the State, the case stood thus:—he had borrowed 895,000*l.* (which with the interest of 134,000*l.* upon it, amounted to 1,029,000*l.*), for the purpose of effecting certain improvements in the City. He had therefore to pay a sum of 30,000*l.* every year. At the same time he had several unemployed balances at his bankers, and he thought it was better to make use of these for the purpose of getting rid of this heavy annual payment of 30,000*l.* By doing this he would also relieve the land revenues of the Crown out of a position in which they ought never to have been placed, and would restore to that House the full jurisdiction which they ought to have over these revenues, and which they never would have as long as they remained mortgaged. These claims originated in this way. In 1839, the Commissioners of Woods and Forests, under the authority of an Act of Parliament, charged the London Bridge Approaches Fund with a sum of 665,000*l.* for the purpose of promoting certain improvements in the City of London. But there were no proceeds from that fund at the time, because it was subject to certain prior charges. The Commissioners of Woods and Forests, therefore, undertook to mortgage, and did mortgage, under the authority of an Act of Parliament, a certain portion of the land revenues of the Crown, as security for repayment of the money. A sum of 895,000*l.* was borrowed in this way, and the improvements were effected. The interest on this had been regularly paid, but the land revenues continued meantime under mortgage. There were several sources at command for the liquidation of this debt, the principal one being the London Bridge Approaches Fund. But there was a prior charge of 665,000*l.* on that fund, and the interest upon that principal sum accumulated to 296,000*l.* He did not mention this to the discredit of any one, because as he had before stated, no revenue would be derivable for some time from that source. Therefore there was due upon the 5th of January a sum of 961,000*l.* There was also a sum of 30,000*l.* advanced to the Westminster Improvements Commissioners, bearing interest at 4 per cent, and a further sum of 50,000*l.* made over as a gift to the same Commissioners. Then there were two sums of 30,000*l.* each, given on the fulfilment of certain conditions to the Southwark Improvement Commissioners, the one of these sums bearing interest, and the other not. There was, therefore, the principal sum of 1,029,000*l.*, consisting of 895,000*l.* principal, and 134,000*l.* interest, borrowed on the security of the Crown Revenues; there were two sums of 30,000*l.* and 50,000*l.* advanced to the Westminster Improvement Commissioners; and two sums of 30,000*l.* each advanced to the Southwark Improvement Commissioners. It was also necessary to allow a certain sum for the interest that might become due on the principal sum of 895,000*l.* That was subject to certain conditions of notice, so that it would not be in their power to pay it off at once. He took 25,000*l.* prospectively as the possible maximum amount of that interest. It would be necessary also to allow a liberal amount for interest on the other sums, and for this he allowed 21,775*l.* Adding all these sums together, the right hon. Gentleman would find that they amounted to 1,216,000*l.*, which would be the maximum of charge on the Consolidated Fund. With regard to the assets, there was 961,000*l.* to come from the London Bridge Approaches Fund, that is to say, for the principal sum of 665,000*l.*, and the interest of 296,000*l.* thereon. There was 30,000*l.* to be repaid by the Westminster Commissioners, and 250,000*l.* the anticipated proceeds from ground rents. These added together made about 1,241,000*l.*, which was more than amply sufficient to cover the maximum charge on the Consolidated Fund. There was another sum for which he did not take credit, as it would depend on the productiveness of the London Bridge Approaches Fund; but without that the assets were more than sufficient to meet the liabilities. He hoped that he had now satisfactorily explained to the hon. Gentleman and the House the seeming discrepancy between the debt and the sum asked for in the Bill. He was sure that nothing more was required than discussion across the table to insure the approval of this Bill.

And it being Six of the clock, Mr. Speaker adjourned the House, till Tomorrow, without putting the Question.

HOUSE OF LORDS,

Thursday, March 10, 1853.

Minutes.] *Took the Oaths.* — Several Lords.
Public Bills.—1ª Designs Act Extension.
2ª Law of Evidence and Procedure; Mutiny; Marine Mutiny.

IRISH MAGISTRACY.

The Earl of EGLINTOUN said, that, when he was at the head of the Government in Ireland he felt it necessary, in the execution of his duty, to dismiss a magistrate of the name of Kirwan from the commission of the peace. The first act which the noble Earl who was his successor in the Irish Government (the Earl of St. Germans) did, on assuming the duties of Lord Lieutenant, was to reinstate Mr. Kirwan in the commission of the peace.

He (the Earl of Eglintoun) felt it due to himself that the grounds upon which he suspended Mr. Kirwan should be made known to their Lordships, equally with the grounds upon which that act on his part had been reversed by his successor; he therefore moved for papers relative to those transactions, namely, correspondence and papers (including the Report of Mr. Martley, Q.C., relating to the Suspension and subsequent Re-instalment of Mr. Kirwan, Resident Magistrate in Ireland).

Motion *agreed to.*

LAW OF EVIDENCE AND PROCEDURE BILL.

Order of the Day for the Second Reading read.

LORD BROUGHAM, in moving that this Bill be read a Second Time, said that its object was to amend in some important particulars, and to declare in others, the law of evidence and the law of procedure. As there were many details in the Bill, which were much more suitable for discussion in Committee than on the second reading, he should purposely avoid even touching upon them, and should confine himself to making a few observations on three or four of the leading features of the measure, which might be easily severed from the details. The first of those features related to the Act of 1851, making the parties to a suit competent and compellable to be examined as witnesses. There was one important exception made in that Act—namely, the case of husband and wife; and at the time they made that exception they contemplated the proximate possibility, if he might so speak, of repealing the exception, and of putting the husband and wife on the same footing with all other parties (with one modification, and with one alone), enabling the husband to bring forward the wife as his witness in cases where her evidence became necessary—where she was what the civil law called *præposita negotiis*—where, for instance, she was the shopwoman, and where the exclusion of her evidence would, in fact, be depriving the husband of the whole benefit of the action, but not allowing her to be examined or cross-examined upon matters communicated to her by her husband during coverture; and also placing the husband on the same footing, so that if the husband were called as a witness, he should not be compelled to disclose what had been communicated to him by the wife during the marriage. This enactment of the present Bill as to husband and wife was an important alteration, and would complete the useful measure of 1851 upon this branch of the law of evidence. A similar enactment had already been sanctioned by their Lordships during the present Session in a Bill which he had brought in with respect to the law of evidence in Scotland; and he confidently trusted that the alteration would meet with unanimous acquiescence and approval at the hands of the Legislature. There were several other provisions in the measure which he should do no more than merely allude to, amending in some particulars, and declaring in others, the law of evidence where it was now defective, or where it was obscure or uncertain, or on which a contrariety of decisions had been given. These he should defer for discussion in Committee. But he now came to one most important point which did not at all fall within the description of a detail, like those to which allusion had just been made. He meant that important principle, as it had been called—sinning, as in his humble judgment it did, against all principle—which prevented a witness being called upon compulsorily to answer any question the answer to which might tend to criminate himself. He was about to maintain that that principle was ill-grounded, and that, independent of the anomalies, the obscurities, and uncertainties which had been introduced into the administration of the law under it by the practice and the decisions of the Courts—independent altogether of those uncertainties and anomalies, the principle itself was untenable. When a witness was produced in Court, for what purpose was he produced? For the purpose of investigating the truth in the trial of the issue between the parties, or in the trial of the guilt or innocence of the parties. It was for the sake of truth, to further the ends of justice, and to obtain from his testimony a knowledge of the truth, that the witness was called. Well, then, how did the objection to his giving this evidence arise? A question was put to him; it was believed to be relevant to the matter in issue:—if it were not, it was objectionable on a totally different ground, namely, on the ground of its being irrelevant; and then no question could arise as to the protection of the witness. But, admitting the question to be relevant—admitting it to be important—admitting the answer to the question, whether given affirmatively or negatively, to be material to enlighten the Court which had to try the question on its merits—admitting that the truth was to be got at by the answer given to that question—he had a right to go further, and to assume that the truth could not be got at without an answer being given to that question: the law said, even in this extreme case, that the witness was exempted from answering; and why? Because he said that the answer he might give might, peradventure, criminate himself. Their Lordships would bear in mind that, according to the existing law, it was not necessary that the question should be one, the answer to which would absolutely and undoubtedly criminate the witness, in order to entitle him to claim the protection of the Court; but if he only undertook to swear that his answer would tend to criminate him, nay, if he merely said that he thought it might tend to criminate him, that was enough—he was protected, the truth could not be got at, and the cause of justice was sacrificed. But even if this were not the law, and if the witness were not protected from answering unless he could swear distinctly that the answer would certainly criminate him, and unless the Court were also of opinion that the answer would criminate him; if the law was even thus limited, which it was not, he (Lord Brougham) would still venture to ask whether any good reason existed why the witness should not be compelled to answer? The witness was sworn to tell the truth, and the whole truth. How, then, could he be justified in merely telling the half of it? It might be an exceedingly good reason why he should be protected from his answer being used in any subsequent prosecution against himself; and no doubt, if there was no modification of the law in that respect, it would be very hard to compel him to answer a question, and then upon his deposition to indict him, and thus to convict him out of his own mouth. The proposition, however, as contained in the Bill, was not that his deposition should be competent evidence against himself if he was compelled to answer; but that he should be protected from the effect of such deposition in his own trial, though compelled to give it, that it might be evidence in the cause. The witness's answer to the question might affect other parties as well as himself. The interest of the parties to the cause was entirely put out of view by the present law; they could not have their cause tried, because a man on whom, by his own showing, suspicion rested, chose to say he would not give evidence. For this most impotent reason the parties were to be deprived of justice. A man might be on his trial—his property, his liberty, his life, might be in jeopardy,—ay, and that which many men valued far more than life, his reputation, might be at stake; and the witness who was put into the box to swear away his estate, or his liberty, or his life, or his character, might have committed the most atrocious crimes, and which, if he were compelled to name them, would make his evidence impossible to be credited, or even listened to for an instant by the Court or Jury; and yet the man who was on his trial for his property, his liberty, his life, his character, was not suffered by the law, by the humanity and evenhanded justice of the law, to ask a question to ascertain whether the witness were a miscreant, utterly incredible, or a person perfectly honest, honourable, trustworthy, and worthy of belief. And why? To protect the witness from punishment? No; for the Bill then before the House did that effectually. Was it to protect him from disgrace? Assuredly not; for the very fact of his applying for such protection showed that he was utterly undeserving of it. On what ground, then, did the rule of exemption rest? Why, it was contended that a man ought not to be forced to give answers that might criminate himself, for fear that he should be induced by such compulsion to commit perjury. No doubt, knaves would not volunteer to give evidence if they knew that by so doing they would expose themselves to the risk of detection; but this was no reason why they should not be compelled to testify. Every person who was interested in the cause had a motive commensurate with his interest to win that cause either by fair or by foul means, either by stating the truth or by uttering falsehoods; yet no one now thought of excluding the testimony of interested witnesses, or even of the parties themselves, because, forsooth, the admission of such testimony might occasion some increase of the crime of perjury. He did not deny that a man who had committed an offence might be exposed to a strong temptation to utter what was not true, if he were asked questions respecting that offence; but he submitted that the possibility of the witness adding perjury to his other crimes ought not to be urged as a sensible argument for excusing him from giving evidence which might be most material in the cause. It was said that the evidence of such witnesses was not of much value; but the evidence of a man who had committed an offence might be very valuable in a cause in which he had no personal interest; and it might be very fit to examine him for the benefit of the cause and for the ends of justice. At all events, if he were ever so untrustworthy—and the more so the better for the argument—the stronger the reason for not excluding that cross-examination, the tendency and inevitable effect of which must be to destroy his evidence by exposing his real character, and thereby to save the property, or the life, or the reputation of the person who was on his trial. Then, again, it was said that the law abhorred the trial of collateral issues. No doubt it was inconvenient that, in trying one main issue, another incidental issue should arise; but there was a worse and more inconvenient thing than even trying a collateral issue — and that was the giving judgment without its being tried; and if they discarded a witness's evidence upon a material point because he might state something which would tell against his credibility, it would be giving judgment without fully hearing the cause. The state of the law, to such of their Lordships as did not belong to the profession, would appear extraordinary; and, if he mentioned particulars, it would be with the view of inducing their Lordships to send the Bill before a Committee, by showing the absolute necessity for legislation, by showing how far discrepancies, conflicting decisions, variety of authorities, and uncertainty of the law on the subject, prevailed, both with reference to the extent of the principle which he was combating, the mode of its application, and the practice under it. He should begin with the last head, the practice under it. Whether, on examining a witness, and the answer being given by him without reluctance, evidence might be given to rebut it, was a point on which the rulings of different Judges were diametrically opposed. Whether, on certain subjects — as rape and seduction—any question could be put at all, was not clear, decisions having been given on both sides. On the question, how far a witness, having begun an answer, had a right afterwards to stop short, and say, "I have gone so far, I shall now answer no more," there were also decisions both ways. For example, in one very remarkable case, where a witness having said, after answering three or four questions, that he would not answer more because he began to think that if he did so it would have a tendency to criminate himself, it was held by a most conscientious Judge, Lord Wynford, that the witness was bound to go on—that he ought to have taken his objection at the outset—that having once begun to answer he could not stop. The same point was ruled in the same way by that admirable Judge Lord Tenterden on another occasion, and by his noble and learned Friend Lord Denman in a third case. Not so, however, thought Lord Eldon. He held a contrary opinion, which he expressed in the strongest possible terms:—"The witness might stop where he pleased; they could not carry him further than he chose voluntarily to go." He (Lord Brougham) took leave to say that he humbly thought Lord Eldon was right, and that the three Chief Justices were quite wrong, according to the nature of the principle. If the rule meant anything at all, the witness had a right to be protected when a counsel skilfully got his folds round him, before strangling him with questions which were to bring matters to a point, as learned gentlemen were wont to do with more or less address and ingenuity. At last the witness discovered his position, and said he would not answer any more questions, having been honestly ignorant until that moment that what he had been asked before, had had the least tendency towards his own inculpation. Therefore, if the rule were to obtain at all, it ought to obtain to the full extent to which it was laid down by Lord Eldon; and you could not, by the rule so laid down, compel a witness to go one hair's breadth beyond what he voluntarily went. But it was not merely as to the application and limits of the rule, but likewise with regard to the substance of the rule itself, that there was great discrepancy in the decisions, and an uncertainty which was admitted to exist by all the most eminent text writers—Mr. Phillipps, his learned Friend Mr. Pitt Taylor, and the late lamented Mr. Starkie. The question was, how far the rule extended—how far a witness, within the general scope of the rule was protected from answering questions which did not tend to implicate him in the confession of any offence, which did not expose him to the risk of any indictment, but which only went to disgrace and degrade him. Many learned Judges in his (Lord Brougham's) day had held it clear that the rule extended far as to include cases of this kind; others held it equally clear that the rule did not extend so far; and, if he might venture to express his opinion where such men differed, he should say the rule did not extend so far. The reason why he thought so was, that at all times it had been held, except in one or two cases, that protection did not extend to cases where, from lapse of time, prosecution had become impossible, or to cases where the taint had been removed by a free pardon. But if that were so—if you might question a man about what he had done in either of these cases, since he could not be put in jeopardy by his answers, it was quite clear that you allowed him to be examined on matters which tended to his disgrace and degradation. And he (Lord Brougham) drew from this, which he took, on the whole, to be the law, a very strong argument, in his apprehension, in favour of the measure which he was bringing under their Lordships' notice, because he had now a right to place his foot upon this basis, that the law aimed only at protecting a man from prosecution, and not at protecting his character from injury—that it was not to save a witness from disgrace and degradation that you did not compel him to answer, but only to shelter him from prosecution. Now this Bill protected a witness from prosecution only, and not from injury to his character, not from disgrace and degradation; so that the existing law was substantially the same on this point with what he (Lord Brougham) proposed, except that he made it clear, definite, and certain. He had spoken to their Lordships of cases in which a contrariety of decisions was manifest. Take the cases of rape and seduction. The rule which had been at one time laid down with reference to what questions might be put to a witness in cases of rape and seduction, had been since superseded. He remembered a case of a prosecution for rape before Mr. Baron Wood, who refused to permit a question to be put to the prosecutrix as to her former incontinency even with the prisoner at the bar, whom her evidence was putting in jeopardy of his life, because such a question tended to her disgrace and degradation—because the offence might have been committed against a person, of however bad character she might have been, and because the prisoner might have been guilty of the crime charged, even although he had had intimacy on former occasions with the prosecutrix. But that was totally to forget that the question at issue was as to the probability of the evidence being true, and that it was infinitely more likely that the evidence should be true in the one case than in the other. Nevertheless that case was brought before the Judges, and all who were present were of opinion that the ruling of Mr. Baron Wood was right. So with respect to actions for seduction, it had been held by several Judges that questions could not be put to the person seduced as to her incontinency, as they were collateral to the issue. The decision of Mr. Baron Wood was in 1812; but, in 1835, Lord Chief Justice Tindal allowed a prosecutrix to be cross-examined upon a similar point. Her evidence was given, and was contradicted, and that decided the case. The law was not clear, but the strong inclination was in favour of the latter class of decisions. With respect to the question of how far a man should be protected, generally speaking, Lord Ellenborough held twice in 1803 that a man could not be asked whether he had been committed for felony when he was called as a witness in a civil suit. But in 1818, the last year of his illustrious life, a witness having been asked whether he had ever been in a certain gaol for theft, and having refused to answer, his Lordship said—"If you do not answer, I will send you there," and the question was then answered. He (Lord Brougham) thought he had said enough to satisfy their Lordships that the law required settlement by declaration. It might be said, that though a man was protected from prosecution by the provision that his own deposition should not be given in evidence in any other case, yet he was not protected from this most important risk, that the particulars he might state would furnish a clue to the discovery of evidence against him, and enable the person who got the clue to put him on his trial and convict him. And upon this point, also, there was no little discrepancy in the decisions as to what the law at present really was. No doubt the rule went to the extent that the witness might refuse to answer the direct question, "Are you guilty or not of such an act?" but any other collateral questions which went to the matter in issue might form links in a chain of evidence against him; and then the point arose, who was to decide upon the tendency of these questions? How far was the witness himself to judge of the tendency? How far was the Court allowed to judge? Was it enough that the witness should say he thought a question would tend to put him in jeopardy? How far must he satisfy the Court that he had a reasonable and well-grounded apprehension? The cases on this subject materially differed from each other; but he was entitled to state most confidently that the strongest cases were the most recent, and they placed the rule of law under the greatest possible relief—if he might so speak—of absurdity and injustice. It was many years ago decided by no less an authority than the great Lord Hardwicke, that "these objections to answering should be held to very strict rules;" but subsequently to this decision, which in his (Lord Brougham's) judgment was founded in sound sense, the learned Chief Justice of the Common Pleas, Sir James Mansfield, held that a witness might refuse to answer, if he thought that the answer would endanger him. It was supposed that that was not enough, but that the Court must judge whether there was such danger or not; but Sir James Mansfield said it was enough if a witness swore that he thought he would be in danger if he answered that question. The Court of Common Pleas, being moved against that ruling, agreed with the opinion expressed by the learned Chief Justice, and that was the leading case on the subject. More lately—indeed, only a few months back—came a decision of the same Court—the Court of Common Pleas—that, without entering into any particulars—without satisfying themselves how the witness could be in danger, it was quite sufficient if he swore as to any question—"My answer will, in my opinion, expose me to prosecution;" and the Judges added, that, strictly speaking, before the witness answered any question whatever, however innocent, he might be warned by the Court—"Mind, you need not answer it if you think it will (not criminate but) tend to criminate you"—not desiring him not to answer, though even that had been done by magistrates sometimes, from a mistaken view of their duty—but, in the other case, it was telling the witness—"Mind, you need not answer the question unless you please," because the witness had only to say (upon his oath, no doubt) that he thought he might criminate himself; and he would then be enabled to deprive parties of the benefit of his testimony, while at the same time he would himself be quite safe from punishment for perjury, because he only used the safe words, "I think," or "I believe." It was said, indeed, as he had before observed, that it would be hard to compel the witness to answer—that you would place him between the horns of a dilemma, either to commit perjury or to confess something to his own disadvantage; but there was another party whom the rule did not place between the horns of a dilemma, but gored with one horn, and that was the party against whom the witness was produced. He suffered because you would not allow a knave to be exposed, and to the interest and protection of a knave you sacrificed him, and you sacrificed justice. Excluding the possibility of the witness's deposition being read against himself, what harm could there be in allowing an intended prosecutor to take advantage of any collateral fact that might be elicited? Only this, that a guilty man would not escape, but be successfully prosecuted, and an innocent party would not be damnified by his false evidence; and justice would be promoted both in the cause and after the cause by the truth being discovered. The course which the Legislature had taken upon this subject had been very remarkable, and showed a consciousness that the principle was unsound; for in various instances they had endeavoured to get rid of the rule of law by indemnifying parties against prosecution; while in others they had even compelled witnesses to answer, not trusting to the inducement held out by an indemnity. There was the case, five or six years ago, of an offence against the combination laws, the offence being punishable by imprisonment; a party suspected to have been guilty, being called as a witness, was not allowed the benefit of protection, but by virtue of an Act of Parliament was compelled to answer, and was indemnified from prosecution. In the case of the St. Albans' election, when a Commission sat at St. Albans to inquire into bribery and corruption, the witnesses were compelled to answer the questions put to them, being indemnified. In the Bill that came up last year to their Lordships from the other House of Parliament for appointing a Commission, in any such case if both Houses addressed the Crown, parties were to be compelled to answer all questions, and were only to be indemnified if the Court certified that they had made a true and fair disclosure. In the bankrupt law, too, this protection had never been recognised, but the bankrupt was bound to answer questions, though his answer might tend to show that he had been guilty of fraudulent concealment. But it was bad to stop short with a particular case, if the principle was a good general principle; and it was mischievous to wait till a case arose, and then to change the law with reference to that case. No chapter of the law more than that upon which he had been dwelling fell within the words of Lord Denman—words that were uttered by him not upon the bench certainly, but before he was raised to the bench: "The wilful blindness, or rather the perverse preference of darkness to light, the self-imposed trammels by which justice often seems to take a pride in securing her own delay or defeat, the multiplied facilities for evasion, the thousand premiums held forth to encourage deceit and falsehood, are disgraceful to civilised life." He (Lord Brougham) now came to another provision of the present Bill, to which he trusted he should find less objection than upon former occasions when he had proposed it. He believed, that, wise by the experience of the County Courts, we should profit by that experience to make a great improvement in respect to procedure. When he originally — twenty years ago, in 1830, 1831, and 1833—proposed the measures for improving the administration of justice which ended in 1846 in the establishment of a local judicature, there were one or two very material improvements in the law which he did not introduce into the procedure of the superior courts, though they had since been adopted in the practice of those local courts; and, amongst others, one which he had only omitted from an unwillingness to encounter more obstacles than it was absolutely necessary to encounter in carrying that important change. A more complete abolition of written pleadings ought to have formed part of the measure of 1833; but he was apprehensive at that time that it would be too great a change to be suddenly introduced. For the same reason, instead of proposing a power to pay money into court in all actions in the superior courts, so that in all cases a defendant might have the opportunity of endeavouring to stay proceedings, he limited it to cases of debt and contract, and some few cases of tort. This provision ought not to have been limited to certain actions, but should have been extended to all. He had thought that that was a change too great to be suddenly introduced, and he had therefore, in the Act of 1833, limited the payment of money into court to some few cases of tort; but, generally speaking, to cases of debt and contract. It was quite clear that there ought to have been no exception whatever; but that in all cases defendants ought to have the option of endeavouring to stay proceedings by paying money into court. The result was, that a practitioner might find himself quite sure of a verdict for 5*l.*, which the law would not allow the defendant to pay into court; and so this latter was either obliged to go to trial, in which case he would have to pay, it might be, 150*l.* for costs, or he was forced to yield to the extortionate demands of his opponent, who had him entirely in his power. By the County Court Act of 1846 this grievous evil was remedied, so far as the local judicature was concerned; but in the courts at Westminster, the oppressive rule still existed in all its force. He (Lord Brougham) was desirous of putting a stop to this abuse, and the Bill now before their Lordships effected that object, by providing that money might be paid into court in all cases. The point to which he wished now to call attention, was also the result of the experience of the County Courts; he alluded to trial by jury. No person would speak with more profound reverence than he—he would say with more deep and lasting affection—for that great institution; but still it was worth while considering whether it was absolutely necessary that a jury should be empanelled in every case, whether the parties desired it or not. What had been the experience of the County Courts? Of the thousands of causes tried in those courts every year, what proportion were tried by juries? Their Lordships were aware that by the County Court Acts in all cases between 5*l.* and 50*l.*, whether in tort or in contract, the parties had the option of trying the case before a jury; and unless both agreed that it should be tried by the Judge alone, there must be a jury as a matter of course. And yet, of the 40,000 cases between 5*l.* and 50*l.*, which had been tried in one year, in each of which either party might have had a jury if so minded, what proportion had been tried by the jury? Only about 2½ per cent; in from 97 to 98 cases out of every 100, both parties preferred to have their case tried by a Judge, and not by a jury. He proposed in this Bill that in all the courts the parties should have the same option. He had so framed the Bill as to give the option in all cases of tort as well as of contract. Some might think that it should be confined to cases of contract; he did not quite agree with that; he thought it was fit to be considered in Committee; but it appeared to him perfectly unnecessary, and at the same time highly inexpedient, that we should persist in making it compulsory upon the parties to have the opinion of a jury, together with that of the Judge, in every case, for a great or a little sum, in trespass, tort, or contract, though the parties might both agree in saying that they had much rather take the opinion of the Judge alone. It might be asked what expense would thus be saved? In a special jury case, 30*l.* upon the average. But that was only the expense in hard money out of pocket; there was another expense to be considered, with reference to the parties, the court, the public, and the jury. He would be understood to speak with the most profound respect for trial by jury, and with the greatest affection for that noble institution; with equally profound respect, and with equally warm affection, he would be understood to speak of those who administered it—not merely the Judges upon the bench, but the practitioners at the bar. But yet he must declare, that if asked to say from his recollection of the profession—he would not say from his own personal experience, but from his observation—whether precisely the same procedure would take place before a Judge that now took place before a jury, he should be bound to hesitate before giving an affirmative answer. His noble and learned Friend (Lord Lyndhurst) seemed to insinuate by his looks that he (Lord Brougham) was taking the benefit of the rule against which he had been arguing; but he did not consider that he was declining to answer under the privilege of avoiding self-crimination, when he said that, generally speaking, he was not prepared to give an affirmative answer to the question—would or would not the same addresses be made to the Judge as now to the jury? Without seeking shelter from the existing rule of law respecting self-crimination, were he asked whether the same topics would be used, the same efforts made, the same time consumed, in the hope of swaying the Judge and affecting the evidence—he must decline giving any answer, or at once answer in the negative, and take upon himself to say that he had no doubt whatever that those addresses would be very considerably different in many material respects. In the first place—which went to the question of expense of time, and other expense too—they would be very considerably shortened. [Lord LYNDHURST made some remark.] His noble and learned Friend reminded him of cases in their experience in which such addresses were not shortened to the degree that one would wish; but he (Lord Brougham) had no doubt whatever that in many instances not only the addresses would be very sensibly shortened, and be of a widely different description, but the examination and cross-examination of the witnesses would also be very considerably reduced in length. He and his noble and learned Friend could not but recollect what a sensible (he would not say very great, but what a sensible) proportion of a cross-examination was owing to the jury being present. If only the Judge had been there, the thing would have been over after a certain number of questions; nothing that could be done to the witness after that would have the least effect upon the Judge. But the counsel hoped a great effect would be produced upon the jury by a further examination—by endeavouring to impeach the witness, by what used sometimes to be called scolding him, by laughing at him, by making him seem to contradict himself, and by attacking him in various ways, all of which would be perfectly useless, and would not be the way to the Judge's heart or the Judge's head, in reference to weighing the testimony of the witness, or to deciding upon the merits of the cause; but which the counsel might have good reason to expect would have some very considerable effect upon the jury, when they were the umpires. But a saving of time was both profitable to the cause and to the public—to the cause, by preventing confusion, and false issues—to the public, by shortening business. It is profitable to the parties, too, who pay directly for the prolixity of counsel, and often have to try their causes at an inconvenient distance, that jurors may not be detained from their other avocations, not rarely have advocates put upon them for the faculty of bewildering juries, and almost always pay for exhibitions which before a Judge would not help the cause. He (Lord Brougham) had no doubt (criminal procedure continuing under a jury) that the great bulk of cases of tort would also continue under a jury, whether the option was extended to those cases or not, and that the great bulk of cases of a more important kind than others, and of a more delicate nature, which had better be tried by twelve men than by one, would so continue to be tried, notwithstanding the option he was asking the House to give. There were some questions peculiarly adapted to a jury, and less adapted for the Judge; in the assessment of damages—unliquidated damages—a single mind was not half so likely to come to a satisfactory conclusion as twelve minds of different structure, different habits, and different ways of thinking. In all such cases there would be a jury, notwithstanding the option. As to the case of conflicting evidence, he was inclined to think, though he knew there was a great difference of opinion upon it, that a jury would find their way better than a Judge. But, looking to a very large proportion—he would not say ninety-seven in the hundred—of the cases now brought into court, and of peremptory necessity to be tried by a jury, his opinion was decidedly in favour of the option being given to the parties. He would add, that this Bill contained also a very important provision with respect to the payment of costs by the Crown in cases where the Crown was, as it were, a suitor, another valuable provision with respect to the removal of criminal trials from one county to another, and several clauses for facilitating the proof of handwriting by means of comparison. He had now gone through the principal points to which the Bill referred, and he begged to move that the Bill be read 2ª.

The LORD CHANCELLOR said, that not only was he not at all dissatisfied with a considerable portion of the Bill, but he was sure their Lordships would feel that they and the country were very much indebted to his noble and learned Friend for the perseverance and zeal with which he was carrying into more complete effect and operation the great measure which he introduced two years ago on the subject of the law of evidence, for enabling courts of justice to examine parties themselves in all matters in which they were interested. He was satisfied that this task should have been reserved for his noble and learned Friend, who had introduced that great change in the law—a change which was regarded with jealousy by many, and with apprehension by still more. The operation of that law had, however, been eminently successful, as was shown by the concurrent testimony of Judges, legal practitioners, and all the parties interested in the subject. There was one exception made in his noble and learned Friend's former Act, namely, that the husband might not examine the wife, nor the wife the husband; and he (the Lord Chancellor) admitted he was one of those who had thought that that was a useful exception. He believed that his noble and learned Friend was not anxious to make such an exception if he could have carried the Bill, as he wished to do, without it; but he consented to do so, thinking it would be better to reserve any change on that subject until it was ascertained whether the measure had in other respects answered its purpose. The Act had answered the purpose with which it was introduced; and he (the Lord Chancellor) thought the time had come when his noble and learned Friend would confer a benefit on society by making the change proposed by the present Bill—namely, to put an end to the distinction respecting the examination of husband and wife. His noble and learned Friend had introduced a clause which never occurred to his (the Lord Chancellor's mind) but which met very many of the difficulties which he (the Lord Chancellor), in common with others, had felt on the subject—namely, a clause which provided that, notwithstanding the authority given to the wife to examine the husband, and *vice versâ,* no husband or wife should be compellable to disclose anything which had been communicated in what was called "domestic confidence." This was only a similar exception to that for which the law furnished a precedent with regard to solicitors, who were not allowed to disclose what they knew from the professional confidence of their clients, the exception of his noble and learned Friend would be exceedingly useful. The next topic upon which his noble and learned Friend had touched was, that provision in the law of evidence which exempted a party under examination from the obligation of answering any questions that might tend to criminate himself. He entirely concurred in the feeling which had prompted his noble and learned Friend to endeavour to devise some mode of getting rid of that difficulty; for, in common, he was sure, with all who had been in the habit of attending courts of justice, or of taking part in the proceedings in such courts, he (the Lord Chancellor) had continually been shocked by the certainty that injustice was done, and truth was excluded, because a witness said, "I cannot answer that question, for it will tend to criminate me." Even supposing that principle to be retained, whether it might not properly be one of the provisions of the Bill to restrict it in some manner, was a matter upon which he would give no opinion at present. He felt bound to say, however, that until Parliament was prepared to alter the law a great deal more, until Parliament was prepared to say that it should be part of their system to interrogate prisoners upon charges, he did not think the clause proposed by his noble and learned Friend could by possibility become the law of the land. If it was the law that a person charged with picking a pocket had a right to say, "You are not to ask me any questions; I will answer nothing; prove the charge if you can;" would it not be a strange anomaly if they evaded that law by calling the accused person as a witness in some other proceeding? He (the Lord Chancellor) was perfectly ready to concur with his noble and learned Friend in any reasonable inquiry as to whether the law ought to be altered—whether the rule of law, *Nemo tenetur seipsum inculpare*, was or was not a correct principle; but he thought it would be impossible to consent to a clause enabling them to call upon a person to answer, as a witness, questions which, if a direct charge were made against him, he could not be called upon to answer. Suppose his (the Lord Chancellor's) pocket was picked in a crowd, and that he had a strong suspicion of a man near him; if he charged that man with the offence, the law said, "You have no right to interrogate him upon the subject." Now, this Bill did not propose that power should be given to interrogate a person so accused; but it said, "If you choose to call such a person as a witness in any other proceeding, then interrogate him as you please." They would thus, in fact, get rid of that principle of law which prevented them from doing directly what this Bill would enable them to do indirectly. In order to guard against this result, his noble and learned Friend had introduced a proviso which enacts that though the witness was to be bound to answer questions, his statements should never be given in evidence against him. That would, however, be a mere illusory protection. Take the case he had put of his pocket being picked. He had seen the man near him in the crowd, and that was all he knew. Well, he might bring that man up as a witness on some occasion or other, and say to him, "I suspect you picked my pocket of my watch the other day. Did you do so?"

The witness might now reply, "I decline to answer the question;" but if this Bill were passed he would be told, "you are bound to answer, and you shall answer." "Well," he might say, "I confess I did." "What did you do with it?" "I locked it up in my lodgings, and there it is now." Now, although this statement could not be given in evidence against the witness, a policeman might be sent to his lodgings, and there the watch might be found. The man had been near him in the crowd; the watch would be found at his lodgings; and the person would thus have been compelled to convict himself. Although he (the Lord Chancellor) felt, with his noble and learned Friend, that this was a matter which ought to be looked into, and although he regretted the discreditable scenes which were sometimes witnessed in courts of justice, he regarded with very considerable apprehension any system which would create a sort of rival dexterity among different Judges as to examining a prisoner and entrapping him into some admission that would implicate him. This was a mode of proceeding which every one who had attended foreign courts of justice must frequently have observed; but he thought it was a system more unpleasant to witness than the occasional escape from justice of persons accused under our system. To that part of the Bill of his noble and learned Friend, then, he could not give his concurrence. Another point referred to by his noble and learned Friend was the expediency of allowing parties who had actions pending in the courts of common law to have them tried by a Judge, and not by a jury. He (the Lord Chancellor) had stated on a former occasion that he thought that was a question which deserved most serious attention; but he did not think it was very happily or appropriately introduced into this Bill, the more so as the subject had been one of those inquired into by the Common Law Commissioners, who were about to make a second report. The matter had, he believed, been most anxiously investigated by that Commission, who had prepared an elaborate report, stating the *pros* and *cons*, and, he understood, leaning to the views of his noble and learned Friend. It seemed to him that that report would be the fittest foundation for legislation on the subject. He might put a great number of cases in which a Judge could decide questions quite as well, perhaps better, than a jury; but, on the other hand, he did not know that there might not be very great difficulty if they began to remodel the mode of trial of fact in those courts. And for this reason, they must not regard this as a mere question as to how the particular issue might best be tried, but they must look upon it as a whole. The question was, supposing 1,000 or 2,000 cases to be tried in the course of a year, whether they would obtain better decisions generally by only putting juries to try a few selected cases, instead of familiarising them with the mode of dealing with such questions by letting them try the whole? He could not but feel considerable apprehension that, if they merely had juries in a few difficult cases, they would not find that the minds of the jurymen were so well adapted for such investigations as they would be if they were continually employed during the whole of an assize, trying sometimes easy and sometimes difficult cases. With regard to the question of expense, he thought his noble and learned Friend in error. He had also referred to special jury cases. Now, with regard to great mercantile questions and contracts, the parties, he believed, liked generally to have a jury, and the Judge would, in many such cases, be very much at sea without the assistance of a jury. [LORD BROUGHAM: In London.] Yes, in London, Liverpool, Bristol, York, and other places, where questions of that kind arose, he thought they could hardly be withdrawn from the consideration of juries. The real expense, he conceived, arose, not with respect to trying the cases, but in the tax upon the jurors who were summoned to spend a week or a fortnight in an assize town; and the expense would be the same whether they were sitting in the waiting-box or walking about the town, although it was true that arrangements might be made to save a portion of their time if his noble and learned Friend's proposal should be adopted. He did not mean to say that his noble and learned Friend might make out a case establishing the proposition which he had been urging. He (the Lord Chancellor) thought it was a question deserving most serious attention, and he would look with the greatest anxiety to the facts and reasonings contained in the report on this very important subject. There were some alterations suggested in the Bill, which he believed would be of great advantage, and would have his entire concurrence; and, if he opposed other portions of the measure, it would be only because he thought that what his noble and learned Friend proposed, with the best motives, instead of promoting the objects he had in view, would have a contrary effect. On the points on which they differed, he trusted his noble and learned Friend would give him credit for sincere and disinterested motives.

LORD BROUGHAM said, he was glad to hear that the Commissioners had made such progress in their labours; and still more glad to hear that there was a possibility of their taking the same view which he took of the propriety of giving to suitors the privilege of having their case tried by a Judge instead of a jury. He thought it very likely that, in Committee, he might be disposed to divide this measure into two Bills, one of which would deal with those points about which there could be no difference of opinion between him and his noble and learned Friend, while the other would embrace those matters on which they were not agreed. He should decline to refer the measure to a Select Committee, because he believed it would be found that the members of the Committee were already overloaded with business; and moreover, if he consented to divide the Bill into two, such reference would be quite unnecessary.

On Question, *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House.

BRIBERY AT ELECTIONS.

LORD BROUGHAM said, he would press on Her Majesty's Government the necessity of their attempting to devise some measure for checking bribery and corruption at Parliamentary elections. He believed that one of the benefits of the Bill which he had that evening been bringing under their Lordships' consideration, and under which parties themselves to a suit or a Parliamentary inquiry could be subjected to a rigid examination—he believed that one of the benefits of the Bill would be to promote the purification of our electoral system. And if that purification should be longer delayed, they might depend upon it that, besides the injurious effects of those practices on the morals of the people, and the character of the country and of Parliament, they would end in making men lean to those opinions of which he wished to say nothing upon that occasion, but which were extensively entertained in foreign countries—he meant opinions which involved a distrust generally of the Parliamentary or representasentative system.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 10, 1853.

MINUTES.] NEW MEMBER SWORN.—For Frome, The Hon. Robert Edward Boyle.

PUBLIC BILLS.—1° Aggravated Assaults.

2° County Elections Polls (Scotland); Consolidated Fund.

3° Cathedral Appointments.

METROPOLITAN WATER SUPPLY.

LORD ROBERT GROSVENOR: Sir, it will be in the recollection of the House, that last year a Committee was appointed, to whom all the propositions with regard to supplying the metropolis with water were referred. After a very long, patient, and laborious investigation, that Committee made a Report, and the result was, that a Bill was brought in, giving power to the old water companies to continue to supply the metropolis with water, upon their undertaking to reduce their rates, and to lay out a large sum of money in making certain improvements. Until they had an opportunity of proving whether or not they intended to perform those conditions, it was proposed that those old companies should have a sort of monopoly in supplying the metropolis with water, but no such stipulation was inserted in the Bill of last year. At all events it was understood that no new Bill should be introduced into Parliament the object of which would be to interfere with their privileges, until it was seen to what extent the old companies would meet the wish of the Legislature. From a conversation which took place the other day on the London Waterworks Bill, it transpired that the opinion that such delay should take place in favour of the old companies was shared in by the Chairman of the Committee of last year, and also by Her Majesty's late Government. On that occasion I took the liberty of requesting that some member of the Government would inform the House what is the opinion of Her Majesty's present Government with respect to this important question. It so happened on that occasion that no member of the Government was present, and I therefore gave notice of the question which stands on the paper in my name, to the following effect:—"What are the intentions of the Government with regard to Bills for the Supply of Water to the Metropolis, introduced or to be introduced in the present Session?" I now take the liberty of putting that question to my noble Friend at the head of the Home Office, and I hope that his answer will be satisfactory to all parties interested in this subject.

VISCOUNT PALMERSTON said, that undoubtedly there was no positive stipulation between Parliament and the existing water companies, which should preclude the House from dealing as it might think fit with any Bill for establishing any new water company which might be brought in this year, or at any other time. But if he were asked what the opinion of the Government was on the subject with regard to the expediency and discretion on the part of Parliament, he should say, that the Act of last year having imposed upon the existing water companies the obligation of undertaking large works, which could only be executed at very great expense, and there being, apparently, reason to think that, if those works were executed in the manner prescribed, and the supply of water was given in accordance with the provisions of the Act, there was a reasonable probability that the metropolis might be supplied with good water, he should say, on the part of the Government, that they would recommend the House to abstain from establishing any new company until the existing companies had had a fair trial as to whether they could or could not accomplish the purposes under the provisions of the Act for which that Act was obtained.

THE VALUE OF GOLD.

MR. DRUMMOND said, that, in putting the question on this subject of which he had given notice, he would remind the House that in 1810 there was laid upon the table the Report of a Committee, into which Committee Sir Robert Peel was put by the Government of the day to support their erroneous opinions. Sir Robert Peel, however, became a convert to the sounder principles of Mr. Locke and Sir Isaac Newton, and from that time sound principles had been followed by the various Administrations, and by no member of those Administrations more remarkably than by the right hon. Gentleman the Member for Halifax (Sir C. Wood) during the Government of the noble Lord the Member for the City of London. Since that time circumstances had occurred of a totally unprecedented character, and unreferred to in the Report of that Committee, disturbing the currency, and he therefore begged to ask the right hon. Chancellor of the Exchequer whether Her Majesty's Government had taken into consideration the effects of the reduced value of gold; the consequences of this reduction of value upon the industrious classes, and especially upon contributors to savings banks; and whether he did not think it advisable to appoint a Committee to inquire into the altered value of the standard, and to suggest some remedy for any evil that might be likely to arise?

The CHANCELLOR OF THE EXCHEQUER: Sir, in answer to my hon. Friend I have to state, that Her Majesty's Government have carefully watched and observed the course of monetary transactions, and especially with respect to the influx and efflux of gold into and from this country during a recent period; but they do not see the proofs of the reduced value of gold by any means so clearly as they have appeared to my hon. Friend; and they have no intention, under present circumstances, and as at present advised, of appointing any Committee to inquire into this subject.

ATTORNEYS AND SOLICITORS CERTIFICATE DUTY.

LORD ROBERT GROSVENOR, on rising for leave to introduce a Bill to repeal the Attorneys and Solicitors Annual Certificate Duty, said, before he went into the merits of this case, which he was afraid he should be compelled to do, he wished the House to take notice of the position in which this question was now placed.

So much had the profession felt the grievance of this tax, that for the last twenty years they had never ceased to petition the House to be relieved from it.

He had given notice of his intention to move for the repeal of this tax in 1849. He was not, however, able to bring the question before the House until the following year—the year 1850. Then, however, he did so; and although opposed by the Government of the day, the House acquiesced in the propriety of the Motion, and he carried it, with their assistance, through several stages, until at last he lost it towards the end of the Session, owing to one of those difficulties which are incidental to every private Member of the House who attempted individual legislation. In the following year, 1851, on account of the Ministerial crisis, and of the debates upon "the Ecclesiastical Titles Bill," he was unable to bring the Motion forward as soon as he could have wished, but he brought it forward late in the Session; and although again opposed by the Government, the House confirmed its former decision by a still larger majority; and he had some reason to believe that, had his friends remained in office, he should have been spared the trouble of bringing this question again before the House, for he thought they would have deferred to the decision of the House, and also to what he conceived to be the unanswerable claims of the attorneys and solicitors to be relieved from this tax. Last year, during the short interval that elapsed between the accession of the new Government and the termination of the expiring Parliament, it was impossible for him to attract the attention of the House to the subject to any useful purpose. If that were the same Parliament, or if the same Members had been returned, he had so often and so successfully troubled the House before on the subject, that he should simply have read the notice that stood upon the paper of the House, made the Motion, and sat down; but as there were something like two hundred new Members in the present House, he should scarcely do justice to those whose interests were committed to his charge, if he did not briefly call the attention of the House to an outline of the history of the tax, and the principal arguments on which they relied for its repeal. At the close of the last century Mr. Pitt was in great distress for money, and was compelled to raise funds to meet the exigency of the time, not in pursuance of any fiscal system that he approved of, but by levying any taxes he could persuade the House to vote; and he stated in proposing this duty that he could not justify it on any principle. So sensible was he of the unjust manner in which it was likely to operate, that in order, as he stated, to make the tax tolerably fair, he attached to it the duty upon warrants—an *ad valorem* duty to the amount of business transacted by each attorney. That part of the Act, he said, would render it to a certain extent fair and equitable; but he was sorry to say that that fair and equitable portion of the Act had been long since repealed, and that the most objectionable part of the Act, the Certificate duty, had not only been continued, but increased more than once, until it had arrived at the present amount —12*l.* a year for the metropolitan, and 8*l.* a year for the country solicitor. The operation of the tax was this: whilst the more wealthy portion of the profession paid about one-half per cent, or one-fourth per cent on their earnings, the poorer portion paid five or six, and in some cases even seven per cent. But he would not dwell upon the unequal operation of the tax, because no doubt, if that were the whole of their case, it would be said that that injustice was also shared by certain trades that paid a personal tax; and therefore it might be urged that if the tax were repealed, they should also repeal other personal taxes to a large amount. He meant the taxes upon auctioneers, brewers, hawkers, and various others; but surely at that time of day it would scarcely be contended that, because principally for fiscal purposes and for the protection of the revenue, certain trades paid a licence, therefore it was fair and just that a profession, or rather a part of a profession, should pay certificate duty. People would hardly exclude from their consideration that the one business required a long, expensive, and laborious education, whilst the others, comparatively speaking, required little, if any, special education of any description; and they, moreover, might be laid down and taken up again at any moment without the slightest detriment to the individual exercising them. But if that was their principle, and if they were so enamoured with that method of taxation, and thought that the tax was really justifiable, why did they not increase the revenue, and put a tax upon barristers, surgeons, physicians, sculptors, and architects? But even if they did put a tax upon them, he would presently show the House that they would be dealing with them much more equitably than they were then dealing with the attorney and solicitor. The collector of taxes meets him upon the very threshold of his professional career, and asks him to pay 120*l.* before even his parent, if he has one in the profession, can communicate to him the rudiments of professional knowledge. When he has gone through his clerkship, before he can practise, the Government comes to him again, and levies an additional toll to the amount of 25*l.*; then when he begins to practise, he is invited to pay the income tax of 3 per cent on his earnings, and the law charges him with certificate duty, which, on the aggregate returns of the profession, amounts to at least 3 per cent additional. And then it was the fashion to revile this part of the profession, and call them extortioners, and bloodsuckers, and vampires, and he did not know what besides; indeed, he was informed that an hon. Member of a former Parliament, being interrogated as to the difference between a solicitor and an attorney, said it was the difference between a crocodile and an alligator. But he asserted that it was the Executive Government that was the extortioner; for, if an example of extortion was wanted, what stronger example could be shown than the fiscal system that exacted 120,000*l.* sterling yearly in the shape of certificate duty, and 80,000*l.* a year in the shape of stamp duty on articles of clerkship and admissions, making altogether 200,000*l.* on the industrial earnings—he should say, "mental exertions" of one portion of a learned profession.

He said he could strengthen his case much were he to detail to the House, from individual instances which had come to his knowledge in examining this question the injurious operation of this impost; but he forebore to do so, because when he first introduced this measure the House was kind enough to listen to him, while at considerable length he went into the matter. However feeble that statement was, the Law Society of England adopted it, printed and circulated it, and probably a copy had been sent to every Member that then did him the honour to listen to him. When this question was originally proposed by Mr. Pitt, there was a Member for Wiltshire (Sir Edward Astley) at that period who was delighted with the proposition, and at the notion of skinning an attorney; and he said he thought the law was a luxury, and that those who used it ought to pay for it. He was not at all of that opinion. He did not think the law a luxury; he thought it a necessary evil. He hoped that the administration of the law would hereafter only be another term for the administration of justice, and would be made cheap and open to all. He thought, and he had always voted accordingly, that the best means of relieving the people, so far as legal matters were concerned, was to simplify the law, and render the law as cheap as possible. That was a far better plan than the circuitous route that was now pursued of extracting, for the benefit of the public, through the solicitors and attorneys, that which a complicated and antiquated system of law enabled them to obtain from the public, apparently for their own benefit. After many long delays, he was happy to say that the Government and the Legislature had at length entered boldly upon a career of law reform. He need not tell the House that what had already been done had enormously curtailed the profits of the legal profession — the profits of those whose interests he was now advocating. He thought that the proper and legitimate method of curtailing the profits of the attorneys; but in doing what the House had done, it had cut from under it all pretence and ground for the continuation of this onerous tax. He had hoped that his right hon. Friend the Chancellor of the Exchequer would have spared him the trouble of making, and the House the trouble of listening to, his speech by at once acquiescing in the demand of the profession; but it appeared he was mistaken. He did not know what objection to this Motion the very ingenious mind of his right hon. Friend might have suggested to him; but he could conceive that if he entertained an objection to the repeal of this tax, he might desire to have the opinion of a new Parliament expressed on the subject before dealing with it. When that opinion was pronounced—and he hoped it would be coincident with that of the old Parliament—he trusted, whatever it might be, his right hon. Friend would show respect to that opinion.

He would now remind the House of the small amount which he proposed to take away from the revenue of this country. The amount of the tax was 120,000*l.* a year, and that was the whole and sole amount that would be abstracted from the annual income by the repeal of this tax. This was a solitary exception in taxation. No other class of people, if the tax was repealed, could say that they were aggrieved by a tax that stood upon the same ground and ought to be relieved in like manner. He defied any man, however ingenious he might be, to say that he could discover a tax which stood upon the same ground; and therefore, in voting for his proposition, all they had to do was to diminish the revenue by 120,000*l.* a year. He thought the tax was so objectionable in principle and operation that it should be removed, even though there should be no surplus. As it was, however, there was no reason for supposing that the revenue was not in a position to bear this trifling inroad; and this being the case, he trusted that his right hon. Friend would not object to a Motion pledging the House to the repeal of a tax so objectionable in principle, and so unjust and unequal in its operation. But of this he was sure, that his right hon. Friend would not object to his bringing forward the Motion at that particular period. It would be better that his right hon. Friend should know the mind of the House on the subject before he brought forward his Budget, than that he should remain in ignorance of the fact, and should make his fiscal arrangements, and afterwards be compelled by a vote of the House to make reductions for which he might not have provided. The objection of the former Chancellors of the Exchequer was, if the proposition was brought forward before the Budget, that it would be too soon; and if it were brought forward after the Budget, that it would be too late. That objection was happily excluded on the present occasion by the observations of the right hon. Gentleman the President of the Board of Trade (Mr. Cardwell), on the Motion of the hon. Member for Montrose (Mr. Hume), the other day; and he was sure that his right hon. Friend the Chancellor of the Exchequer would not make such an objection on the present occasion. He apologised to the House for having trespassed so long upon it, and he should now do no more than merely read the Motion as it stood on the paper.

MR. COWAN begged to second the Motion. The city with which he was connected was not distinguished for its commerce and manufactures, but depended upon the law and literature for its prosperity. He had that day had the honour to present a petition from the solicitors of Edinburgh, signed by 111 members of that body; and there were no fewer than 445 persons who paid the tax in the city of Edinburgh, which amounted to about one-twentieth part of the whole sum contributed to the Exchequer by that duty. He objected to the tax, and he had always voted for the repeal of it, because it was a burthen which those gentlemen had to bear in addition to their share of all other taxes; but with regard to the principle of taxing professions, in his opinion no fairer tax could be demanded than an annual licence or certificate duty, provided it did not merely embrace a class small in number, but was extended to all trades and professions alike. He gave notice two years ago of a Motion which he intended to submit to the House on that subject in connexion with the income tax; but he was prevented from doing so in consequence of the Motion of the hon. Member for Montrose (Mr. Hume), which had the effect of bringing the whole consideration of the income tax before a Select Committee. There were only twenty trades and professions which, under the Excise, pay licence duty; there were twelve or thirteen trades and professions which, under the stamp department of the revenue, were liable to an annual certificate duty. The amount of the licence duty in England, including post-horses, was 1,042,976*l.*; in Scotland, 113,000*l.*; in Ireland, 113,000*l.*; being altogether about 1,269,000*l.* derivable from Excise licenses alone. Then go to the other department of revenue to which he referred (the Stamps), and they would find, on looking to the amount received in England, Scotland, and Ireland, for licences under the Stamp duties, that it amounted to 215,000*l.*, making a total for Excise licences and Stamp certificates, of 1,485,000*l.* The income tax derived from trades and professions amounted to very little more than this; he believed it amounted to 1,650,000*l.*, and looking to the small fraction of traders that were now liable to the licence duty, he would submit to the House and to the right hon. Gentleman the Chancellor of the Exchequer, whether it was not well worth considering, that the Schedule D tax on trades and professions should be repealed, and that the Government should take into consideration the propriety of commuting that tax into an annual licence and certificate duty, so as to embrace all trades and professions. They had under the present system every possible variety of amount from 5*s.* to upwards of 50*l.* There were a number of licences at about 5*s.* a year; for instance, the dice makers only paid 5*s.*, and the entire revenue from the tax only amounted to 30*l.* He begged to state that this was an exceptional case; a young man on entering the profession must pay 6*l.* for the first three years, and afterwards 12*l.*, besides his share of all other burdens, and he knew it was felt to be a very oppressive and cruel tax.

Motion made, and Question proposed, "That leave be given to bring in a Bill to repeal the Attorneys and Solicitors Annual Certificate Duty."

The CHANCELLOR OF THE EXCHEQUER said, it was very plain that whatever might be the interest of the hon. Gentleman who had just sat down in the question now before the House, he did not esteem it so highly as the general principles of public interest and patriotism; because, while he contended that this certificate duty now under consideration was a tax of an exceptional nature, he strongly recommended that it should be extended to all trades and professions. There was no doubt a great deal to be said in argument for the doctrine that it should be extended to all trades and professions. He did not say that he would so extend it; but if the House should think that it was a question that, under possible circumstances might deserve consideration, whether that should be done or not, he would submit that nothing would be more incongruous and impolitic than to destroy the portion of the system they had already, in order that hereafter they might start afresh. Surely, before abolishing a tax that already existed — when there was a question whether it should be made universal or whether it should be extended—it must first be recollected that nothing could be more foolish than to remove that tax, in order to reimpose and extend it. He could not subscribe to the argument that appealed to the generosity of the House, on the ground that the body with whose interests they were dealing consisted of a limited number of persons, and, therefore, limited in power; on the contrary, whatever might be the value of the argument, most certainly no question could be brought before the House that was so sure of a fair hearing—and he would add, of something more—than the question of the repeal of the attorneys' certificate duty. His noble Friend had said that he had hoped that he (the Chancellor of the Exchequer) would have acquiesced in the proposition for abolishing this tax; but he would be sorry to make any abstract declaration on the subject; he would go further, and say that no person holding the office which he did, ought, under any circumstances, to consent to the abolition of any tax until he had had an opportunity of comparing the arguments for its abolition in conjunction with the arguments for the abolition or reduction of other taxes that were pressed upon him. Even had the Government come to a positive decision to remit this tax, and not to propose the renewal of it, as a part of the fiscal arrangements for the year, he would have opposed the Motion of his noble Friend, and called upon the House for its rejection.

There was a case, he admitted, in the annual duty paid by solicitors and attorneys which called for some consideration; but he did not think that the question of the annual certificate duty of the attorneys and solicitors was the most unjust of these duties. No doubt it was open to all the various objections that might be urged against every other similar tax; and he thought that the whole of the taxes which were levied upon certain trades and professions were among the worst parts of our fiscal system. He did not think it an objection to any possible or conceivable tax, that it was a tax laid on a trade or profession annually: when the circumstances of those trades and professions, after a long series of years, had become adjusted to that tax, it was amongst the worst cases of objection. That it was an unexceptionable duty or a good duty, he did not undertake to say; but there were duties for whose abolition stronger claims could be made.

There was certainly some force in the observation of his noble Friend as to the variety of duties that fell upon that particular profession; and that there were questions as to the amount and adjustment of those taxes which deserved the consideration of Government, that was, they deserved its consideration when the Government really knew the financial position of the country, and whether they were in a position to do equal justice to all classes who had claims for the adjustment of their taxation. At present the solicitors and attorneys in London paid 12*l.*; and in the country the solicitors and attorneys paid 8*l.* annually. It might be considered that this difference in the amount of the tax had reference to a state of things under which the London attorney possessed an advantage over the country attorney, and was supposed to have a larger and more lucrative share in the business than the country attorney; but that railroads have caused a great change in that respect, and in a great measure had removed the inequality; and that, therefore, that point should be reconsidered, and whether the same amount should not in future be charged on all certificates. Again, it migh be right to consider whether they should effect a readjustment of the tax, and arrange it for the future according to the extent of business that was done by the respective parties. There was another question of more importance still, and that was, should not the House, whether it agreed to the levying or abolishing of the annual certificate duty, make an important modification of the stamp duty upon the articles, and on the admission of gentlemen who became solicitors and attorneys? He did not think that the parties who had obtained the valuable assistance of his noble Friend, laid that point before him; at any rate his noble Friend had not laid that part of the case very fully before the House. He wished the House to understand, that, although he thought the fiscal principles involved in conceding this Motion were most serious, there were other questions besides the amount which by the repeal of this duty would be lost to the revenue which must not be overlooked. Let the House consider whether it was to say to the youth who was at tho door or threshold of the profession, that he should pay 120*l.* before he entered within that door. The effect of that would be to create a virtual monopoly; but his noble Friend made no Motion that would have the effect of deranging that monopoly. He hoped the House would take this fact into its consideration, for it was a most serious one. They had erected a high fence and wall before the entrance to the profession of an attorney, and we placed certain burthens upon those within it; and the proposal was to remove the burthens from those who have got within, but to leave the fence to prevent others from entering. He hoped the House would come to no such conclusion: when the proper opportunity for considering the case of the attorneys and solicitors should arrive, this question should be considered, and specially and carefully examined into. It should be considered whether the most proper method of affording relief to the profession, would not be by the means of an important reduction in the duty on the Articles, and an admission which would give the public the benefit of a free competition in the exercise of this profession, rather than by the measure proposed by his noble Friend, which went to render more stringent whatever monopoly belonged to the profession and the law respecting it. His noble Friend went further and said, "Why not lay a tax upon barristers?" But he knew very well that even if there was a disposition to go further, there was all the difference in the world between keeping a tax they had got, and getting a tax they had not. The question then before the House, was, not their abstract opinion with regard to the merits of that particular tax—and he did not say that tax singly, but the entire taxes that affected that profession—but the question for their consideration was, whether the state of the finances, and the claims of other classes, permitted them to accede to that Motion; and altogether irrespective of the strength of his party, and of the formidable following which his noble Friend had behind him, he (the Chancellor of the Exchequer) protested against a practice that would prove destructive to the finances of the country—the practice of taking a particular tax on the claims of a particular class, and dealing with it as an isolated case. His noble Friend said, he hoped he would not hear the argument urged against his proposition on this occasion which he had heard on former occasions, namely, that it was the wrong time for bringing it forward. He would hear it nevertheless, for it was the wrong time. Another hon. Member, on a former occasion, and on a different question, said that a Chancellor of the Exchequer always declared "it was the wrong time" when any proposition for reducing taxation was made. He would not always say it was the wrong time; but he would tell his noble Friend what was the right time. The right time was when they had gone so far in determining the public expenditure of the year that they should be in a condition to say what would be necessary to meet it; then they should know whether they should have taxes to repeal or not, and when they knew that, they would then be in a condition for considering and determining upon the ordinary claims of the various classes of the community, and with reference to the whole system of taxation; and then if they thought a tax so grievous as to call for its repeal irrespective of any surplus, they would be in a condition to consider whether it should be renewed, and what they would substitute for it. But what he objected to in this Motion was, that it called upon them to act at random and at haphazard, and to pledge itself to the concession of the claims of the attorneys and solicitors, overlooking those of all other classes of the community: if they did so, the House would be looking to the case of the attorneys and solicitors alone, and not to any other case, and they could not come to a right decision if they acted upon such a principle as that. At the right time it would be his duty, as Chancellor of the Exchequer, to propose any remission of taxes that might seem to be expedient; and if the tax to which his noble Friend's Motion referred, had greater claims to be removed than any tax to which he might call attention, then would be his opportunity to put his claim before the House, and ask the House to judge whether in his case there was not a fairer claim for remission than in any other. That would be the proper and straightforward mode of proceeding, and his noble Friend was, no doubt, of the same opinion; for in the year 1850, his noble Friend was advised to postpone a similar Motion, because the financial statement was about to be submitted to the House; and his noble Friend himself had admitted that he succumbed to the opinion of those who suggested on that occasion that the Motion should be postponed; and he trusted that he should not in vain indulge the hope that his noble Friend would take the same course on the present occasion. The main question, after all, was this:—what was the view the House took with regard to the duty of the Executive Government in reference to the finances of the country. Did the House think that the opinion of the House ought to be expressed—that it was for the advantage of the Chancellor of the Exchequer that he should know the opinions of the House beforehand on each tax, the removal of which might be proposed, before the financial arrangements of the year were made—and that he should be guided by that opinion in drawing up his financial scheme for the year? He would not say whether that was a good system or not; but if it was, the Chancellorship of the Exchequer should be abolished altogether. He did not see the use of a Chancellor of the Exchequer if the House should adopt this mode of dealing with the finances of the country—that the principle should be "first come, first served"—that each Member should bring forward a tax for remission; and because he did so, and not because of its merits, he would move for its repeal—and that the chance of the ballot-box should determine the order of precedence in which each separate scheme for reduction should be considered and determined by the House, without reference to the whole financial system, and the claims of the country at large. The business and functions of the Government, he conceived, imposed upon them this obligation, that they should take the claims of each class, and deal with them in a comprehensive spirit in reference to every class of the community; and having done so, should then sum up together the whole fiscal case of the country—that they should consider what it was they should propose to Parliament, that Parliament might be able carefully to weigh and balance the claims of each class, and having done so, select for remission those classes they deemed best entitled to it. Then they could make their proposals to Parliament. Parliament could hear them sifted and argued in open debate as against any others that might be brought forward by individual Members, and take it into their hands to decide to what class, in preference to others, the remissions should be given. That was his view with regard to the duties of a Minister of Finance as to the present question; and whatever might be the opinion of the House and of the Government hereafter in reference to this particular tax, he called upon the House to join him in meeting the Motion of his noble Friend with a negative, however plausible his arguments might be, and however transcendent they might be rendered by the power of the following, of which he was the representative.

Sir FREDERIC THESIGER said, he really did think that, under the circumstances, it was important that they should understand precisely the position that the Motion took; and from what he had learned from his right hon. Friend the Chancellor of the Exchequer, it was quite clear that if the noble Lord agreed to postpone his Motion until some indefinite period, when his right hon. Friend should have taken into consideration the pressure of different taxes upon different classes of society, the noble Lord would share the same fate that all others had met who had acceded to a request for postponement made under such circumstances by a Chancellor of the Exchequer, and would ultimately fail in accomplishing his object. The right hon. Gentleman said this was not the proper time to bring forward this question; that it was not proper to consider in an isolated way one particular tax pressing upon one particular class. With great deference to his right hon. Friend, he said, that if there was a peculiar tax that pressed heavily on a peculiar class, that was a subject worthy of consideration. It was to be distinguished from other cases, and was deserving of being brought under the attention of the House; and that it might be useful for a Chancellor of the Exchequer, before he prepared his Budget, to know what the feeling of the House was on a certain tax. This was a very peculiar tax, and nobody had ever suggested that there was the slightest ground, in fairness or justice, for the imposition of it. They were rather curious, and if they would forgive him for one moment, he would call their attention to the arguments that were used when the tax was originally proposed. As his noble Friend had stated, in the year 1785, Mr. Pitt proposed to lay a tax upon all shops. This was objected to; and in the course of the debate, Alderman Watson, who was reported to have made a very feeling speech, said he remembered that a right hon. Gentleman on the Treasury bench, on a particular occasion, said that the Church at one time had its share of the good things of the State—the Lord be praised for it!—but at this time the Law had taken care of itself, and what he would propose was, that the State should have some share of the lawyers' fees. He said the attorneys were computed to be 5,000 in number, and that a tax of 30*l.* on each would produce 150,000*l.*, which was 30,000*l.* more than the tax on shopkeepers would produce. On this suggestion Mr. Pitt spoke; and, in reviewing the suggestions for taxation, when he came to that part of the case, he said, that although a tax upon attorneys might be a popular one, no person could be sanguine enough to suppose that it would be productive to the extent of 150,000*l.*; that it was not improbable that many Gentlemen were desirous to see such a branch of taxation adopted, and he could understand that many motives of various kinds might induce them to wish it. Some might urge it from their zeal for the revenue, others would like to see that body of men who drew so largely from others made instrumental to the service of the State; but there was another set of gentlemen that would still more warmly embrace the proposition for a tax on attorneys, from resentment. There was no doubt that there were many gentlemen in the State who, when they compared the amount of losses they had sustained through that set of men, with the sum now proposed as a tax on them, would not think that sum by any means considerable; but whatever their opinion might be attributable to, certainly no Gentleman would be sanguine enough to say that it would be productive to the extent of 150,000*l.* The tax upon shops was imposed, and the tax upon attorneys was also imposed, and for three years afterwards Mr. Fox never ceased urging the House for the repeal of the shop tax as being unjust and harsh.

But he found that the tax on attorneys was from time to time decreased, until it amounted to the sum they now paid, namely, 12*l.* for attorneys practising in the metropolis, and to 8*l.* for country attorneys. Now, besides this most excessive and partial tax on this class of persons, they paid, in the first place, 120*l.* on their articles of clerkship. No other persons paid anything like that amount on articles of clerkship. But in addition to that 120*l.* they had to pay a sum of about 25*l.* on being admitted. So that, altogether, they paid no less a sum than 145*l.* in the shape of duty before they could be permitted to practise their profession. Now the noble Lord (Lord R. Grosvenor) did not propose to take away from the State the charge which was made on attorneys to that enormous extent; and the right hon. Gentleman (the Chancellor of the Exchequer) said, by adopting the Motion of the noble Lord, they would in some way or other establish a monopoly, and make what he called a fence round the present members of the profession, and prevent other persons from joining it. He could not for the life of him understand how such a result could arise. Those persons who entered the profession would still have to pay what others had paid before them; and how there could be any monopoly, he repeated he could not understand. Now, the case of attorneys with regard to this duty was a peculiar one. It was not like that of any other person who had a licence to purchase for carrying on any trade or business. They took from the attorney 145*l.* at the very outset. His case was therefore peculiar; it was an isolated case; the tax was originally established under the circumstances he had mentioned; this grievous burden he had still to bear, and therefore he thought it was desirable that this question should be brought forward in an isolated way, and discussed upon its own merits. He did think, under the circumstances, that at all events the House ought to agree to the noble Lord being permitted to introduce this Bill, to remove what he said was a gross and shameful injustice.

Mr. J. D. FITZGERALD said, he thought the arguments that had been urged against this measure were by no means an answer to the case which had been made out by the noble Lord (Lord R. Grosvenor); and it was his duty to state the reasons why he supported that Motion, and why he thought it ought to be pressed to a division. He had been but a short time a Member of that House; but within that time there had been two Chancellors of the Exchequer; and he had not heard a single instance, when a Motion of this kind was brought forward, in which the Chancellor of the Exchequer did not answer that it had been brought forward at the wrong time, and the noble Lord had of course been told so now. The right hon. Gentleman (the Chancellor of the Exchequer) had told them that by reason of the duties paid by attorneys on their admission to practice a monopoly had been produced; but did he not propose now to give force to that monopoly by continuing this annual certificate duty, which would interfere with competition, and deter other parties from entering the profession? If the Chancellor of the Exchequer had held out a prospect that the duty on admission and the Certificate duty would be repealed or reduced, there might have been some reason why the noble Lord should withdraw his Motion; but no one who had listened to the right hon. Gentleman could for a moment deceive himself as to what were the intentions of the right hon. Gentleman. He might say, on behalf of the profession in Ireland, that the tax there pressed with peculiar inequality. It was proposed in 1816 to meet the expenses of the then terminated war; and duties on mortgages, leases, and agreements were imposed at the same time. Some of those duties had been removed altogether, but nothing had been done to relieve the attorneys; on the contrary, the duty had been increased. This tax, in addition to its irregularity, was, in fact, a tax on the administration of justice; and whenever he found such a tax he felt it his duty to raise his voice against it; for no such tax could be defended on any true principle of political economy. In whatever light they regarded this tax, it could not be for a moment defended. On those grounds he had great pleasure in supporting the Motion of the noble Lord.

Mr. HUME said, he had always been an advocate for the remission of taxes wherever it could be justly done; and if the noble Lord would move that all the existing taxes on licences for carrying on particular trades and professions should be repealed, he would cheerfully vote for such a Motion. The question he put to himself was simply this, "Is this the worst tax of this kind now existing?" He had in his hand a list of about thirty-five different trades and professions, in order to practise which it was necessary to have a licence; and would it not be wise and proper to remove all those taxes together, instead of singling out this one in particular for remission? For example, the soap-boiler and the paper-maker were each charged 4*l.* 4*s.*; and there were a variety of others who dealt in articles that were useful to every man. Now, law was not the food of every man, but soap was an article which was used, or ought to be, by all. Believing, then, that there were other more unjust taxes than this of the same kind, he could only vote for the repeal of the whole, which this Motion did not contemplate.

Lord ROBERT GROSVENOR: He only wished to say a few words before they divided. He was sorry to find there was a division of opinion among his right hon. Friends in the Cabinet as to this being the proper time for bringing forward a Motion of this kind. The President of the Board of Trade (Mr. Cardwell) was certainly not of that opinion the other night when it was proposed to reduce taxes to a far larger amount. The Chancellor of the Exchequer had stated that on a former occasion he had acceded to a request made to him by the Government to postpone his Motion for a while. He certainly had done so; but he would beg to remind his right hon. Friend that the question was then in a very different position from that in which it now stood. This Motion had already been received with favour six or seven different times by the House of Commons; and therefore his right hon. Friend ought not to have been in the least degree surprised at his bringing it forward again. His hon. Friend the Member for Montrose (Mr. Hume) said if he (Lord R. Grosvenor) would bring forward a Motion for repealing all taxes of this nature, he would support him; but he liked, if he could, to propose something practicable; and if he had taken the course recommended by his hon. Friend, he did not think he could fairly have counted upon the support of the House. He objected to all taxes imposed on the administration of the law. "But," said his right hon. Friend the Chancellor of the Exchequer, "why did he not object to the duty on articles of clerkship?" He certainly did object to that; but his objection lay far more against the annual tax. All poll taxes of this kind were objectionable; but he thought this the most so, and therefore it was that he now brought it again under the consideration of the House.

On Question,

The House *divided*:—Ayes 219; Noes 167: Majority 52.

Bill *ordered* to be brought in by Lord Robert Grosvenor and Sir Frederic Thesiger.

OATHS.

Mr. APSLEY PELLATT rose, pursuant to notice, to move for a Select Committee to inquire into the subject of oaths. He said he attached a paramount degree of importance to the Motion of which he had given notice. It was eminently a question of truthfulness, and concerned the stability of our political and social institutions. Now, he ventured to state, that the period of the greatest untruthfulness in our history was that when the greatest number of oaths were taken; for instance, in the reigns of Henry VIII., Mary, and Elizabeth, before the Reformation was completed, when the prelates especially distinguished themselves by taking and revoking antagonistic Oaths. His object was to obtain a Committee armed with ample means of inquiry and investigation on this subject, in order that they might be enabled to arrive at the *ultimatum* which many in that House desired, namely, that they should have one uniform declaration for persons of every religious persuasion. It was his desire, in connexion with this great subject, to furnish the Committee which he sought to obtain with ample means of inquiry, and with full instructions, in order that they might arrive at a proper conclusion upon the subject. The present condition of the law in reference to this question abounded with inequalities. The people called Quakers, Moravians, and Separatists, objected to oaths on principle, and they had been relieved; but there were numerous other classes of subjects to whom no relief had been granted. Lord Brougham, in a discussion on the oath administered to Jews, said that "he wondered so much was said about oaths. He found in Scripture the direction, 'Swear not at all,' and he disapproved of oaths; but as he found them on the Statute-book, like a good citizen he conformed to them." The various Reports which had emanated from the House of Lords had thrown considerable light on the subject. In 1834 the Lords made a Report, in which they concurred in following out the principle which had been adopted with very considerable success in the Customs and Excise, namely, the substitution of affirmations for oaths in almost all cases, from which a large amount of commercial benefit had accrued. Our present form of oaths was strictly analogous to those historic curiosities, the Egyptian, Grecian, and Roman modes of asseveration; several of which the hon. Gentleman quoted from the elaborate work of the Rev. J. E. Tyler; as also the Parliamentary oath on the crosses of Canterbury and Shrewsbury (A. D. 1398), never to suffer the transactions of Parliament to be changed. The Romans used, on occasions of uncommon solemnity, to take a flint stone in their right hand, saying, *Si sciens fallo, tum me Diespiter, salva urbe arceque, bonis ejiciat, ut ego hunc lapidem;* hence *Jovem lapidem jurare*, for *per Jovem lapidem.* Henry VIII. complained to his Parliament that he had only half the hearts of the prelates, who, when promoted to bishoprics and deaneries, divided, by their oaths, their allegance between the Pope and the King. He also alluded to the university oaths as stopping the progress of reform. Neither did Paley approve of oath-taking generally, but especially not of our particular form, which he considered more disrespectful than any known form—he greatly preferring affirmations. The House would have to go back to the reign of Queen Elizabeth to meet with the origin of its Members being obliged to take oaths; and from that period up to the reign of William III. there existed an *ex-officio* oath of a most cruel form; for the parties refusing to take it, no matter what their objections, were liable to an indefinite period of imprisonment for so refusing. The constant practice of administering oaths in Courts of Justice, and especially in the various Police Courts, had the effect of bringing the ceremonial into contempt. In the year 1831 an Act was passed which opened a better prospect with regard to the abuse of oaths. He need not remind the House, that before this time oaths were taken by the bushel, as it were, and without discrimination, not only in public offices, but in counting-houses and other private establishments. This Act of 1831 afforded relief in this particular to members of the Society of Friends, and other Separatists, by enabling them to affirm. In reference to this subject, he would take the liberty of asking the House upon what ground the Society of Friends were to enjoy a superior degree of freedom to himself and other Dissenters, who might wish to have the option of affirming? There was no justice in preserving such distinctions, especially as their continuance was a sore injury to tender consciences. There was a case which had occurred in our Courts of Law, no long time since, in which a Brahmin had an oath administered to him in the manner prescribed by his religion, thus establishing the principle of law, that the form of oath which a man was to take was that which was most binding on his conscience, and which principle had been carried out of late years in the City of London. He might here mention, as an illustration of the hardship of compelling a man to take an oath who had objections to it, in cases where an affirmation would equally well answer the purpose, that it was not at all improbable the House might that evening be called upon to send a victim to prison for refusing to swear in a Committee upstairs. The House of Lords Committee, in their report in the year 1834, alluded in striking terms to the impropriety of oaths on trifling subjects. They said, for instance, that they could not hesitate to lay down the position that recourse ought not to be had to the sanction of an oath where it could be safely dispensed with, where the objection was not of sufficient importance to warrant a direct and solemn appeal to the Deity, nor in any case where those objects could be equally well attained by other means. And then the Committee expressed their conviction that oaths which were not considered necessary in one branch of the public service, might be dispensed with in every other. In the evidence upon which this Report was founded, Mr. Stafford, who had been a magistrate at Bow Street, and Mr. Wedgewood, who had held a corresponding situation in the Southwark police court, described from their own experience the serious evils resulting from the indiscriminate system of oath-taking in the police offices. Mr. Wedgwood, in his evidence, deplored the then existing state of the law by which oaths were taken, even in so small a matter as the loss of a pawnbroker's duplicate for goods of the value of a shilling or two, and considered that affirmations might be substituted for oaths in courts of justice. Some days there were twenty, or even fifty, oaths administered in his court concerning pawnbrokers' duplicates. Many of these remarks were applicable to the present practice in those offices, though a great and beneficial change had taken place. The hon. Gentleman here adverted to the resignation by Mr. Wedgwood of his lucrative situation, owing to his objection to oaths. In 1837 another Committee sat, before which Mr. Peacock, one of the officers of the East India Company, was asked whether the accounts of that corporation, which used formerly to be verified upon oath, were equally satisfactory upon a simple declaration. His answer was, "I think so, certainly." The oath, then, was useless, and ought not to have been imposed. Connected with this branch of the subject, the report proceeded to say, that "many hundreds of thousands of declarations have been taken during the past year, where oaths were heretofore required, and no practical inconvenience has arisen from the change." Indeed, the Committee added, "we are strongly of opinion that it is expedient to carry into still further effect the recommendations of the Committee of 1834, and to abolish every unnecessary oath." This opinion, which the Committee formed after hearing witnesses, was fully confirmed by the evidence. The Report of the Committee of 1842 was substantially to the same effect. So that, on the whole, the House might depend upon it that this was a rising question, and one which public opinion before long would compel them to take into serious consideration. The Report of the Select Committee of the House of Commons upon the oaths of Members, though made with special relation to the admission of Jews into Parliament, contained much information upon the subject. The following was a remarkable passage:—

> "There is no trace in the journals of the House of any oath being required to be taken by Members of the House of Commons upon taking their seats in the House, previously to the Act of the 5th of Elizabeth, cap. 1, which directs, by sec. 16, that Members shall take the oath of supremacy (as set forth in 1 Elizabeth, cap. 1), and which oath is thereby directed to be taken corporally upon the Evangelists before the Lord Steward or his deputy, before entering the Parliament House."

It thus appeared that until the time of Elizabeth no oath was required upon taking a seat in that House. It was found at a subsequent period, that the taking of the oath did not in all cases secure veracity, and in order to obtain it the holy sacrament was superadded, and thereby degraded. This state of things remained until the repeal of the Test and Corporation Acts, which the noble Lord (Lord John Russell) carried, and thereby showed his boldness and determination in favour of the great principle of civil and religious liberty. In those days there was a good deal of persecution on account of oaths. Roman Catholics were for a long time under persecution; so were dissenters and other recusants. At one period the Society of Friends had no resting place owing to the requirement of oaths; and nearly 500 of their members were on this account confined in prisons in various parts of the Kingdom, some of whom only obtained their release upon the accession of William and Mary. The present mode of administering the oath at the table of the House was most objectionable. Surely that portion of it might be dispensed with which was levelled exclusively against one class. Would it not be better to have an affirmation which could be taken by all—which all would consider binding—which would ensure unanimity—and which would, at least, go as far towards ensuring truth as the present oaths? Why should not all British subjects take the same affirmation, since all were equally loyal to the Crown, attached to our institutions, and willing to support the State in any capacity? He did not think their loyalty would be the less, or that they would be less anxious for the promotion of the interests and the happiness of their fellow-subjects. He was anxious, then, to extend the principle which had been recognised in 1849. The truth was that oaths were not wanted. They did not increase truthfulness. They were only demanded by Governments and Corporations for purposes of their own, and were totally unnecessary between man and man—between merchant and merchant—between banker and banker. At the same time he must admit that the Corporation of the City of London had in this respect set an example to the Commons House of Parliament, inasmuch as they had enabled any person to take up his freedom and settle in London upon taking an oath according to the form sanctioned by his own religion, and in the manner most binding upon his conscience. Previously to this, they would not allow a Jew to trade in the City, although he might be British born. In one case a Jew had been converted to Christianity; he had a son who was born in London and married a British woman, yet the son was refused the freedom of the City because his father had been a Jew. This man was put to an expense of 1,000*l.* before he could get rid of City persecution, and be enabled quietly to occupy his shop in Whitechapel. However, this was a question which was about to come directly before the House, and he did not wish, by any indirect means, to anticipate its full discussion. He enumerated various cases of persons who had endured imprisonment, and all its consequent losses and miseries, because they had a conscientious aversion to an oath. One case in particular was well worthy of notice—that of a respectable gentleman, who, because he could not reconcile himself to the taking of an oath in certain bankruptcy proceedings, endured incarceration for three years, and was eventually only liberated through the agency of a special Act of Parliament, passed purposely with a view to his relief. In former times there were no fewer than 100 oaths imposed in the City of London. The woodman had to swear he would not steal wood from the wharves; the waterman had to swear he would not transgress certain civic regulations; and, in fact, oaths were to be encountered at every turning. It was the frequency of oaths and the irreverence with which they were regarded that caused their violation. The system was a disgrace to a country so enlightened and so highly civilised as ours. It was time it should be put an end to, and for that purpose he invoked the assistance of the House. He appealed to public opinion as embodied in the Legislature to assist him in unrolling this dark mummery of bygone superstition.

MR. HUME seconded the Motion. He said, he entirely concurred with his hon. Friend (Mr. Pellatt) in the opinion that the time had arrived when it was incumbent on the Legislature to take some effective measures to prevent the desecration of oaths by their irreverent and too frequent administration. Our laws were intended for the good of the community, but they too often operated to their disadvantage. A bad man would take an oath, while a good and conscientious man would refuse it, and yet the law as at present administored favoured the bad man, and tended to the persecution of the good. Unnecessary oaths were a great evil, and the effects of them were to diminish a regard for truth. He considered the present system was extremely injurious, and he therefore hoped that, whatever opinions hon. Members might entertain, they would not object to the inquiry proposed by his hon Friend.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the subject of Oaths, and the operation of the Act 1 & 2 *Will.* 4, c. 4, and the Act 5 & 6 *Will.* 4, s. 62, for the substitution of Declarations in lieu of Oaths in the Customs, Excise, Public Offices, and Corporations named in the said Acts, and the advantage of extending the principle of those Acts to the Courts of Law, and further to inquire into the Oaths now taken by Members o(Parliament at the Table of the House, with the view of substituting one uniform Declaration for members of all religious persuasions, and to report thereon from time to time."

The CHANCELLOR OF THE EXCHEQUER said, that the attention of the House had been directed for a long series of years to the subject of unnecessary oaths, and great advantage had attended the operation of the measures that had been passed in reference to them. He perfectly agreed with both the hon. Members who had spoken, and he believed he had the concurrence of the House in the opinion, that unnecessary oaths were great evils; that they, first, positively offered temptations to bad men, and even to others who were not quite bad men; and, secondly, that they had a most important effect in diminishing the reverence for the sacred name of the Deity. He was sure that as far as regarded that proposition, and the proposition of the hon. Member (Mr. Pellett) that for the promotion of truth he might count upon the universal sympathy of the House. He would venture, however, to express a hope that the hon. Member would rest satisfied with the opportunity afforded him of enforcing his views, and that he would not at present call upon the House to assent to his Motion. In the Motion the Hon. Gentleman pointed at three objects which he had in view. First, an inquiry "into the subject of oaths, and the operation of the Act 1 & 2 *Will.* IV.; c, 4; and the Act 5 & 6 *Will.* IV., c. 62, for the substitution of declarations in lieu of oaths in the Customs, Excise, Public Offices, and Corporations named in the said Acts." In the second place, he proposed to inquire into "the advantage of extending the principle of those Acts to the Courts of Law;" and in the third place, "to inquire into the oaths now taken by Members of Parliament at the table of the House, with the view of substituting one uniform declaration for Members of all religious persuasions." With regard to inquiry as to the substitution of declarations in lieu of oaths in the Customs, Excise, and other public departments, that, he (Mr. Gladstone) thought, would be almost a labour of supererogation. That substitution had, he believed, given universal satisfaction; and as it could hardly be made matter of argument, it was not necessary that it should be made matter for inquiry. Then, as to the second branch of the Motion, the hon. Gentleman proposed to examine into the advantage of applying the same principle to the Courts of Law. Now, he thought he could submit to the judgment of the hon. Member in a few words a conclusive reason for not referring that subject to a Select Committee. The hon. Member was no doubt, aware that some time ago a Commission was appointed by the Government of which his noble Friend (Lord John Russell) was the head, to inquire into the procedure of the Courts of Common Law. That Commission had already presented its first Report, and he (Mr. Gladstone) was in a condition to state upon the authority of his hon. and learned Friend the Attorney General, that he was about to present the second Report, in which the very question the hon. Member proposed to inquire into was fully considered. When that report should be laid upon the table, the hon. Member would find that the subject he had been referring to, and which was confessedly surrounded by difficulties, had been dealt with by the Commission in the most comprehensive and effectual manner. With regard to the third portion of the Motion of the hon. Gentleman—namely, an inquiry concerning the oaths now taken by Members of Parliament at the table of the House, that, he submitted to the hon. Member, was not a fitting subject for inquiry by a Committee of this House. The question, whether the oaths now taken by Members at the table should continue in their present shape, or whether they should be altered or altogether abolished, and a uniform declaration for members of all religious persuasions substituted, was no doubt a question of the very deepest importance; but then it was a question rather of public policy, which it was competent for the House itself to entertain from time to time. And they had actually before them in regard to that what was, in a practical view, a most important application of the principle, in the form of a Bill which stood for second reading to-morrow. It was a question of importance—immense importance; but it was one of those matters which it was not the practice of the House to entrust to Select Committees. Indeed, it would be a sort of abnegation of the functions of the House—it would be placing the functions of the House in abeyance, if a question of that kind were handed over to a Select Committee. It would, however, be an entirely different matter if it depended upon a minute examination of facts; but here they wanted no examination of facts. The arguments were open to be discussed by all persons of intelligence, and the House of Commons was perfectly competent to deal with them in debate, without requiring the assistance of a Select Committee. He believed the appointment of a Committee would rather tend to perplex than enlighten the House; in fact, he very much doubted whether a Select Committee could be appointed representing every part of the House, and justly and impartially composed, that would ever agree to a Report in favour of any certain plan. For these reasons he ventured to hope—without raising the slightest objection to the principle of instituting an inquiry relative to the possibility of further restricting the application of oaths, with a view to their being taken with greater reverence, and to avoid the monstrous evil of perjury—that he had stated sufficient grounds for not acceding to the Motion in its present form; and, inasmuch as a division on the subject would lead to the supposition that a difference of opinion existed where there was none, he trusted, therefore, that the hon. Member would not press the Motion to a division.

MR. J. BALL begged to express his concurrence in the opinion of the right hon. Gentleman the Chancellor of the Exchequer that a division on this Motion at that time would only weaken the cause the hon Gentleman had in view; but being one of those who felt very strongly as to the position in which Roman Catholic Members of the House stood from the present state of the law on this subject, he felt it his duty to say that at the earliest opportunity, which he believed would be upon going into Committee upon the noble Lord's Bill, he should bring before the House the question of oaths taken by Roman Catholic Members, with a view to carry out the object of the hon. Gentleman the Member for Southwark (Mr. Pellatt)—namely, to assimilate the oaths taken by all Members of that House.

MR. MAGUIRE said, that the oaths required to be taken by Roman Catholic Members of Corporations in Ireland were felt to be a great grievance. In a corporation with which he was himself officially connected, that of the city of Cork, a Roman Catholic Member had refused, some time ago, to take those oaths; and considerable discussion had arisen on the point whether he could fulfil his duties until he had done so. Upon that occasion it was the unanimous opinion of the Corporation that the oath ought to be abolished. That oath was the most odious in its terms that could be devised; and if unnecessary oaths were an evil, insulting oaths were a manifest injustice.

Mr. VERNON SMITH said, he thought there was one great objection to the appointment of a Committee, namely, that so many Committees were already sitting that it would be almost impossible to find a sufficient number of proper Members to compose it; so that the effect of such a step would rather injure than assist the cause of which the hon. Mover of the question was the advocate. He doubted whether the hon. Member for Carlow (Mr. J. Ball) could move such a Motion as that of which he had given notice in Committee on the Bill. In 1849 he (Mr. V. Smith) had proposed to make but one simple oath for all Members of the House; and though he had found himself in a small minority, he yet thought that that would be the proper course to take. So far from the taking of the present oaths being a religious or a solemn rite, he looked upon it as one of the most revolting and disgusting ceremonies that could take place. When hon. Members came to the table and gabbled over oaths which every one took in a different sense from his neighbour, it was impossible to look upon the scene with anything like awe or respect. The question was not one involving any necessity for inquiry, but it was one upon which every Member was as capable of giving an opinion in full House as in a Committee upstairs.

Mr. VINCENT SCULLY said, he rose to express his concurrence in the recommendation of the Chancellor of the Exchequer, that it would be the better course not to press this Motion at present, lest a division upon it should indicate to the public a difference of opinion, which really did not exist in the House. The right hon. Gentleman had stated that unnecessary oaths were a great evil, which should form the subject of some remedial legislation, but did not require to be investigated by a Select Committee, because the facts were already well known to Members of the House. He wished, however, to direct the special attention of the Chancellor of the Exchequer to some few facts, in order to illustrate the mode in which unnecessary oaths were administered at contested elections in Ireland under the existing laws. During the last election for the county of Tipperary, he had remained in the town of Cashel, where about 900 voters were polled, to each of whom three distinct oaths were administered for the mere purpose of delaying the poll, by which contrivance many electors were prevented from voting within the limited period of two days. In that single county of Tipperary near 15,000 oaths were administered to about 5,000 voters within the two days; and in the whole of Ireland, during the same time, upwards of 200,000 oaths must have have been taken, every one of which was unnecessary. Those oaths were all of them practical blasphemies, and flagrant infractions of the divine law—"Thou shalt not take the name of God in vain." He trusted that whenever the Government should come to legislate on the subject of unnecessary oaths, they would not forget the abuses he had just pointed out, in reference to the recent elections of Ireland—abuses which might, at any contested election, be also introduced into England, under the English election statutes. With regard to the oaths taken by the different Members of that House, they presented at least equal difficulties to the consciences of Protestants as to those of Roman Catholics. Under the Catholic oath, members of that religion were insultingly required to denounce their detestable opinions, which they never entertained, and were subjected to infamous imputations and insinuations in reference to the construction of the disavowal of "any intention to subvert the present Church Establishment as settled by law." Those imputations were familiarly made out of doors, and were sometimes even insinuated in this House by Gentlemen who either did not understand what was due to their fellow Members, or were hurried on, in the heat and acrimony of debate, to use offensive expressions, which any person of right feeling must afterwards deeply repent of. For his own part, he was resolved that no amount of provocation should ever induce him so far to forget his own position or the feelings of Protestant Members of that House, as to retort offensively upon them the words of their own oath; but he might be permitted to observe that some conscientious Protestants had felt very great difficulty in taking the oath of supremacy, which required them to affirm that "no foreign prince, person, prelate, State, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm." He believed that those words had, for a long period, prevented a distinguished Conservative Member of the other House (Lord Clancarty) from taking his seat there. He had, some years since, read a pamphlet from the pen of that noble Lord explaining his grounds for conscientiously objecting to take that Protestant oath. The scruples which he then entertained were, no doubt, now removed, for he was at present a sitting Member of the Upper House; but there were other Protestants who still felt great difficulties about the words of that oath. He trusted that such legislation might soon be introduced as would entirely remove all difficulties and ambiguities from both the Protestant and the Catholic oaths, and prevent any indecent insinuations against Members of this House, either outside or within its walls. In conclusion he might observe it was a curious circumstance that whilst no Jew could swear to the Protestant form of oath, "upon the true faith of a Christian," every word of the Roman Catholic oath might be conscientiously taken by a Jew—but they were, nevertheless, excluded from Parliament by the Protestant oath.

MR. FORTESCUE said, he wished to take that opportunity of saying one word with respect to the oaths taken at the table of the House, which he had always thought very objectionable, and, indeed, absurd. He had a strong feeling against both the oaths, as they now stood—that taken by Protestants, and that taken by Roman Catholic Members of the House. As to the oath of supremacy, it was a relic of a state of things which had ceased to exist, and was either a truism or unmeaning; and an unmeaning oath was an irreverent oath. Then as to the Roman Catholic oath, he was persuaded that they had no right to impose such an oath on the consciences of any particular class of the Members of that House. He had a strong feeling that they had no right to protect any particular institution of the country, however sacred its objects, by such means. No such limitation of their constitutional right was imposed upon other Dissenters from the Church of England. The members of the Anti-State Church Association were not fettered in their crusade against the State Church by any such obligation. The Established Church of Scotland was not defended by any such contrivance. He hoped to see the time when one simple oath, promising allegiance to the Sovereign and the faithful performance of their duties in that House, would take the place of the present objectionable forms.

MR. APSLEY PELLATT said, that after the very handsome manner in which the question had been treated by the right hon. Gentleman the Chancellor of Exchequer, and seeing that they all concurred in the same opinion, he should be very sorry to divide the House.

Motion, by leave, *withdrawn.*

AGGRAVATED ASSAULTS BILL.

MR. FITZROY said, he rose for leave to bring in a Bill for the better prevention and punishment of aggravated assaults upon women and children. In making this Motion it would not be necessary for him to trespass upon the attention of the House at any length, because the evil which the Bill was intended to remedy was one so generally felt, so universally acknowledged, so rapidly growing, and constituted such a blot upon our national character, that he was convinced that any measure which he should attempt to introduce for the purpose of amending it would meet with general favour, or that, at all events, he should not subject himself to the charge of having needlessly rushed in to provide an unnecessary and uncalled-for remedy. No one could read the public journals without being constantly struck with horror and amazement at the numerous reports of cases of cruel and brutal assaults perpetrated upon the weaker sex by men who one blushed to think were Englishmen, and yet were capable of such atrocious acts. One's mind actually recoiled when he thought of the dastardly and cowardly assaults which were being constantly perpetrated upon defenceless women by brutes who called themselves men. There was a case which appeared in the public journals a short time ago, where a brute in the form of a man assaulted his defenceless wife, who was in an advanced state of pregnancy, and, in order that he might wreak his fury upon her with greater effect, he put his foot under her clothes, and struck her with great violence on the lower part of her person. It was in vain to hope that he could introduce into his Bill any penalty which would be an adequate punishment for so brutal an offence. Nothing but the most ignominious kind of penalty, such as corporal punishment, or something of that sort, which he did not feel justified in proposing to the House, could mark the sense of indignation which was entertained by every Englishman who read of such an atrocity. What was the present state of the law with respect to such outrages? Unfortunately, the summary power granted to magistrates to adjudicate in such cases was confined to the infliction of a penalty not exceeding *5l.*, or, failing payment of that fine, an imprisonment for a term not exceeding two months. He asked the House if such a punishment was a fit retribution for such an offence? It went against his feelings to ask the House to listen to a description of some of these outrages; yet he was convinced that unless he was prepared to show that the evil which he had just been commenting on required an immediate and an efficient remedy, it might be thought that he had not made out a case for asking for an increase of summary powers. He would, therefore, with the permission of the House, read one or two cases which had been brought before the magistrates of this metropolis within the last few years, and in which a most inadequate punishment had been inflicted:—

"On the 8th of December, 1852, a man named Henry Bennett was charged at the police-court, Bow-street, with assaulting his wife. It was proved that the defendant's wife had ceased to live with him for some time; that on the morning of the 4th of December, 1852, she was walking in Drury-lane, when she met the defendant. He asked her how she was getting on. She replied 'Pretty well.' He then called her a w——, and, without any provocation, struck her as hard as he could, and knocked her down, and injured her back severely. With the assistance of others she got from him, and went home. He followed her there, and struck her repeatedly with all his force on various parts of her body. On the following morning he again went to her room, seized her by the hair of her head, drew a knife from his pocket, opened it, and attempted to cut her throat. She endeavoured to prevent his doing so, and her fingers were severely cut. The magistrate, fearing the wife would not appear at the sessions if the prisoner were committed for trial, fined the prisoner *5l.*, and, in default of payment, committed him to prison for two months.

"On the 7th of January, 1853, at the same court, James Coghlan, a floorcloth-worker, was charged with beating his wife. The husband, between twelve and one o'clock at night, was outside the house in which they resided, and the wife, fearing he might go and drink with the persons who were with him, went to him and begged him to come in. He shortly after entered the room in a passion, and began to beat her with his fists, gave her two black eyes, and then beat her severely with the tongs, saying that 'she had made him appear little in the eyes of the persons with whom he had been outside of the house.' Her screams were heard, and a policeman went to the spot and saw the husband strike her, and, observing that she had been severely beaten, took him into custody at the instance of the woman. Punishment, fined *5l.*, or two months' imprisonment.

"At Marlborough-street police-court, in December, 1851, Thomas M'Millan, a tailor, was charged with beating his wife. It appeared that at twelve o'clock at night she returned home and found him there. He immediately began to abuse her, and struck her several blows with his fists on and about her head; on her screaming 'Murder,' he took a bit of iron, used as a poker, and struck her with it on the arm and on the head several blows. Her screams were heard by a police-constable, and he went to her assistance; the man was in liquor, but the woman sober. The magistrate, seeing the disposition of the woman to screen the husband, summarily convicted him—*5l.*, or two months.

"On the 5th of January, 1853, John Mullett was charged at the same court with beating his wife. The man missed a small bit of cloth of the value of *3d.*, became angry, and was about to break open a drawer, when she endeavoured to prevent his doing so; he thereupon beat her most severely. When she appeared to give evidence before the magistrate, one of her eyes presented a shocking appearance, and one side of her face was discoloured and swollen, and she appeared a sad spectacle. She pleaded for her husband, and, lest the man should go unpunished if committed for trial, he was fined *5l.*, or two months' imprisonment.

"On the 23rd of November, 1852, at the Westminster police-court, Frederic Giles appeared to answer the complaint of Susannah Preston, who had been living with him for two years. After being out all night, she returned in the morning, and saw Giles putting into a basket some food which she had provided, in order to carry it away; she remonstrated; he struck her; and on her then abusing him, he beat her with the buckle end of a strap about the neck, arms, and hands, till she was one mass of bruises, and covered with blood. A constable heard her screams, went to the spot, and found her clothes saturated with blood, and a ring on one of her fingers beaten into the flesh to the bone; she was conveyed to a hospital, and the ring was cut out.—Punishment *5l.*, or two months.

"At Worship-street police-court, on the 23rd of November, 1852, was a charge against Jeremiah Donovan. It appeared that about half-past one o'clock in the morning, the cries of 'Murder' and 'Police' were heard in Prince's-street, Mile-end-road; that a police constable proceeded to the room whence the cries issued, and found the wife sitting in a chair, attended by two women; she had a large cut over the left eye, which was bleeding much; her eyes were blackened, and she appeared to suffer great pain in her stomach. The wife was taken to a hospital and remained there for some time. Both parties were sober. It appeared in evidence that the defendant had brutally ill-used her, and when she was on the ground had jumped upon her and severely injured her. She was unable to attend before the magistrate for some time; when she did attend she endeavoured to make it appear that she had been very slightly assaulted, and from her conduct the magistrate perceived that unless he disposed of the case in a summary way the husband would go unpunished.—Fined *5l.*, or two months, and to find two sureties in *20l.* to keep the peace for six months."

Now, he would ask the House whether such a state of things did not bring the administration of justice in this country into disrepute? Whether it did not constitute a flagrant blot upon our criminal code? and whether, in addition, it did not tend to prejudice the mind of the public, who were not aware of the state of the law, against the magistrate who inflicted such inadequate punishment? He might be told, in answer to this, that the magistrate had the alternative power of remitting to the sessions; but he need hardly remind the House of the coaxings, and intimidations, and all the different influences which were usually brought to bear upon the soft and kindly nature of the unfortunate woman who was placed in such circumstances in order to induce her to abstain from appearing against her husband—if, indeed, she was not forcibly conveyed out of the way. At all events, the adoption of this alternative was practically to allow the offender to escape altogether. And, even if she did appear, it was obvious that after the lapse of some weeks she would present a very different spectacle to the magistrates and jury at the sessions, from what she presented to the magistrate before whom she appeared immediately after the brutal assault. The marks of the assault would be greatly obliterated, and it was probable, therefore, that the jury would be induced to attach less importance to the case than the magistrate did before whom the case was first brought. He therefore humbly ventured to suggest to the House that the time was come when they should increase the summary powers of magistrates to deal with persons who were capable of committing such flagrant crimes. He was aware that in most cases the feeling of the House was against increasing the summary powers of magistrates; but he thought they would agree with him, that the cases he had brought before them were exceptional cases, and ought to be dealt with in a different manner from other cases. When he mentioned that all the extent to which he asked the House to go in increasing the powers of the magistrates in these cases was to inflict a penalty of imprisonment, with or without hard labour, for a term not exceeding six months, or a fine not exceeding 20*l.*, he thought they would admit that he was not asking them to take any very extraordinary step, or to go further than necessary in that direction. Neither was he asking the House to do anything very new. He was only asking them to extend the same protection to defenceless women as they already extended to poodle dogs and donkeys, for cruelty to which, a person subjected himself, under the Cruelty to Animals Act, to three months' imprisonment, with or without hard labour. Then again, by the 8 & 9 *Vict.*, c. 47, commonly called the Dogstealing Act, the penalty for the first offence was imprisonment, with or without hard labour, for a term not exceeding six months, or a fine (over and above the value of the dog) not exceeding 20*l.* He only asked the House, therefore, to extend the same protection to the weaker sex, as they now extended to a lady's lapdog, or a spaniel of King Charles the Second's breed. He begged to mention also, that he proposed to introduce into his Bill certain alterations in the law, not perfectly analogous to the one to which he had just called their attention; but at the same time he had no doubt it would appear to the House that, when they were improving the law, at any rate the alterations which he had to propose might fairly be included. One of the alterations he proposed was, to take away the power of removing indictments by writ of *certiorari*, except upon affidavit that a fair trial could not be had in the Court in which the indictment was originally laid. He understood that a similar clause was introduced by the late hon. and learned Attorney General into the Metropolitan Grand Jury Bill; but owing, no doubt, to the pressure brought to bear upon him from the bar, he withdrew it. It had been his (Mr. Fitzroy's) fate before to encounter the prejudices of that learned profession, he hoped with some little advantage to the public, and he should feel it his duty not to shrink from the same course on this occasion; because, now that they had established a Criminal Court of Appeal, there was no reason for facilitating the removal of trials for misdemeanor from the ordinary courts. Another alteration which he had to propose was, to enforce the payment of recognisances in cases where persons, after being bound over to keep the peace, had forfeited those recognisances by again committing an assault. At present the recovery of such recognisances was so cumbrous and expensive, that in effect they were a dead letter, and could not be enforced at all. He proposed, therefore, to place them on the same footing as recognisances in the case of failing to appear to give evidence. He also proposed to introduce a clause which would save considerable expense—namely, to enable the Secretary of State to issue a warrant to bring up a prisoner who was in custody under a civil process, and who might be wanted to give evidence—and thus do away with the necessity of the writ of *habeas corpus* in such cases. Such were the main provisions of this short Bill, the principal object of which was to give protection to the defenceless female; and he had no doubt the House would aid him in according them protection.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill for the better prevention and punishment of aggravated assaults upon women and children, and for preventing delay and expense in the administration of certain parts of the Criminal Law."

MR. PHINN said, he thought the country and the House were much indebted to his hon. Friend (Mr. Fitzroy) and the Government for introducing the present Bill; but he very much regretted that they had not gone further, and introduced the principle of corporal punishment to persons convicted of such offences. He candidly confessed that he was not an advocate for corporal punishment in ordinary cases. He believed that it both brutalised and degraded the objects to whom it was applied; but in cases of this kind, where men were already reduced below the level of the brute, when all moral sense had gone out of them, he believed it might be applied with good effect in the way of a preventive of such crimes in future. He might refer to two cases of recent legislation in proof of this. It was well known that at the commencement of Her reign Her Majesty was subjected to more than one brutal attack by persons who had no treasonable designs, but who were merely anxious to acquire notoriety. Well, these attacks had been entirely put an end to by the application of corporal punishment to the offence. Then, again, there was the other case of the destruction of national monuments and objects of priceless value by reckless persons. That, too, had been put an end to by the threat of corporal punishment; and it had never been necessary to apply it. He hoped it would have an equally good effect in the present class of cases, and he begged to give notice that, in Committee, he should move a clause introducing the principle of corporal punishment, being satisfied in his own mind that it would operate, not as a punishment of crime but as a preventive. He knew that there was a strong feeling against intrusting a single magistrate, or even two magistrates sitting together, with the power of corporal punishment. So far as regarded this metropolis, where the magistrates were under the ken of the public press, it was not at all likely that the power would be abused; but, as regarded remote districts, he believed public opinion would be against it. It was well worthy of the consideration of Government, however, whether it was not possible to introduce some clause allowing the cases of an aggravated description, where corporal punishment was likely to follow, to be tried either by the magistrates themselves, or with the assistance of five persons as a jury at the option of the accused. He agreed with the hon. Member for Lewes (Mr. Fitzroy) that it was highly desirable that the punishment should rapidly follow the commission of the offence. He thought magistrates ought to have the power, not only of punishing breaches of the public peace, but also of granting compensation to a person who had suffered by that breach. At present the prosecutor must first summon the party before a magistrate to vindicate public order, and then he must go before a County Court for compensation. The French law was more consonant with reason: one Court served both purposes; and he saw no objection to the magistrate being entrusted with the power of granting compensation to a limited extent—say 20*l.* He would also give the power of certifying that the costs of transferring the case to the sessions, when necessary, should be paid by the public. His hon. Friend need not fear any opposition from the bar to the proposition to take away the power of removing indictments for misdemeanors by *certiorari*, for he believed that in no case of legal reform would they allow any consideration but that of public justice to operate upon their minds, for he believed that the interests of the profession were identical with the interests of the public. He thought, however, they should be very cautious in taking away the power from the Judges altogether; and in boroughs particularly, where there was limited jurisdiction, and cases of a political or party complexion were likely to occur, it might be better to allow cases of the nature in question to be removed by *certiorari*, in order to avoid the excitement to which they generally gave rise. He hoped the hon. Member would consider that sweeping change he seemed to suggest unnecessary, unless it was justified by some better reasons than had yet been given to the House.

MR. J. PHILLIMORE said, he approved of the suggestion of the hon. and learned Member for Bath as to corporal punishment, because it was scarcely possible to conceive those feelings and sympathies which revolted against such a punishment should have any application to a person degraded by one of the savage assaults which this Bill was intended to prevent. There were two points connected with criminal jurisprudence which he hoped would also receive the attention of the Government. The first was the gross injustice of inflicting punishment on labourers for taking their masters' corn to give to their masters' horses. By a scholastic subtlety, the Judges held that to be precisely the same offence as if the person had stolen the corn and sold it for his own purposes; and he had never seen a case of that description tried in which the Judge, the jury, and the counsel did not all do everything they could to facilitate the escape of the accused person. Such a law was an abomination in itself, and ought to be altered. The second point was the disgraceful custom of exacting fines from persons acquitted of misdemeanors. It was the constant practice of police officers and others to prosecute parties for misdemeanors, and just before the time appointed for the trial to withdraw the charge; the accused persons had to pay a sum of money although they were acquitted, and he said that was an abuse disgraceful to a civilised country. The Government, he considered, by this measure would add another to their claims upon the gratitude of the public.

MR. PACKE said, he considered that the House was greatly indebted to Her Majesty's Government for having introduced the present measure. He wished to ask the hon. Member (Mr. Fitzroy) whether any alteration was proposed with respect to the number of magistrates who would have to adjudicate upon these cases?

MR. FITZROY said, that he did not intend to alter the jurisdiction of the magistrates in respect to the offences included under the Bill.

MR. STAPLETON said, he wished to call the attention of the hon. Member to a recent case in the north of England, in a parish near Berwick-on-Tweed, where the magistrates had committed some labourers to gaol because they had refused to work up to ten or eleven o'clock at night. They were hired by the year, and as agricultural operations had been retarded by the floods, their master had insisted on their working all day, and up to a late hour at night, which the labourers had refused to do without extra pay. He considered this case one which called for redress.

Leave *given.*

Bill *ordered* to be brought in by Mr. Fitzroy and Viscount Palmerston.

INDIAN TERRITORIES COMMITTEE.

MR. FITZSTEPHEN FRENCH said, that there had been an understanding with the late Government that the Irish Members should be more fully represented on the India Committee. Their attention had been called to the subject by an hon. and learned Member, who showed that while vast sums were paid to the Protestant clergy in India for the charge of about 50,000 people, as well as for the support of the Mahomedan and Hindoo religions, not one farthing had been given to the Roman Catholics, who were very numerous. The Roman Catholics were even deprived of the money left to them for religious purposes by members of their faith. What he complained of more particularly was, that there was a systematic practice of excluding Irish Members from Committees of the House, unless on questions connected with Ireland. India had exerted an enormous influence over this Empire, and yet Irishmen had been as far as possible excluded from that country, though the names of Wellington, Keane, and Gough proved they had not been inferior to Englishmen or Scotchmen in promoting the interests of the British Empire on that great continent. The first man who ever gave a check to the system of peculation which had existed in India was an Irishman, who, when President at Mysore, had refused a bribe of 100,000*l.* to sign some State paper. But there were other reasons why Irishmen should be on this Committee, and they were, that the interests of the country at large were directly opposed to the interests of the East India Company, and that the Committee should be placed in a condition to give an independent consideration to the whole question of our Indian Government.

The only Irish Member on the Committee was the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald). The way in which this practice of excluding Irish Members worked was well shown by the recent debate on Kilmainham Hospital, where it was adduced as a reason for destroying that establishment that a Committee of the House had reported against it. But, on inquiry, it turned out that the only Irish Member on that Committee had voted against the portion of the Report referring to Kilmainham. It was proved to the Committee that the cost of keeping a soldier at Kilmainham was 5 per cent less than that of keeping him at Chelsea, and yet the Committee, instead of following the natural course, and recommending the pensioners of Chelsea to be transferred to Kilmainham, advised that the latter should be abolished altogether. As to the two Gentlemen he proposed to add to the Committee, the hon. and learned Member for Dundalk (Mr. Bowyer) possessed the full confidence of the Catholic clergy, was perfect master of the subject, and had been in communication with the learned prelate Dr. Carew with respect to the treatment the Roman Catholic Church received in India. The other Gentleman he wished to propose, was the hon. and learned Member for Louth (Mr. Kenneday) not alone for the protection of the interests of the Catholic Church, but really for the enlightenment of the Committee itself, as the hon. and learned Member was thoroughly acquainted with the want of the means of communication between different parts of India, and, would, therefore, be able to draw out information from the witnesses as to the necessity of that want being supplied.

Motion made, and Question proposed, "That the Select Committee on Indian Territories do consist of thirty-three Members."

The CHANCELLOR OF THE EXCHEQUER said, he really thought it very confusing to attempt to settle the question of adding two Members to the Committee on Indian territories by reference to what had been done with respect to Kilmainham Hospital. It was mixing up matters which had no relation whatever. [Mr. F. FRENCH: I submit they have everything to do with it.] Their only relation to each other was their being combined in the same speech. Besides that, he protested against any such connexion. The hon. Member proposed now the addition of these two Gentlemen to the Indian Committee. It was a matter of great regret to him to hear the hon. Gentleman propose them on grounds which it would be very much better not to introduce. The hon. Member, too, was not accurate in his statement that there was a systematic practice of excluding Irish Members from Select Committees, excepting on subjects immediately connected with Ireland, and he found the means of contradicting him in the very paper in which the hon. Gentleman's notice of Motion appeared. There was a notice on the paper of his hon. Friend (Mr. J. Wilson) to propose the names of the Committee on Life Assurance Associations. That subject was not exclusively Irish. It was extremely English, and very highly Scotch. There was a vast number of Assurance offices in England, and a large number in Scotland. In Ireland there were very few, and those few were doing business to a comparatively small extent. Yet, if the hon. Member looked at the names about to be proposed on that Committee, he would find there were those of the hon. Member for the University of Dublin (Mr. G. A. Hamilton), and of the hon. Member for Carlow (Mr. J. Ball). He (the Chancellor of the Exchequer) protested against trying the composition of this Committee upon the ground of the number of Protestants, or the number of Catholics. It was not really a question of what quantity of money was to be assigned to Protestants, and what quantity to Roman Catholics. It was not that they were going to consider, but the interests of nearly 120,000,000 of men, neither Protestants nor Catholics. They were, however, their fellow-creatures, whose interests they were bound to consider. The Committee, he contended, was carefully chosen and well-chosen. They had a selection of the best men for the examination of the subject. It so happened that Irish, Scotch, and English, had all their representatives upon it. He found the names of two Irish Members, the hon. Member for Louth (Mr. Chichester Fortescue)— [Mr. FORTESCUE expressed dissent.] It appears that the hon. Gentleman's name was withdrawn. At all events, there was the name of the hon. and learned Gentleman opposite (Mr. Whiteside), and the Irish Members had an able champion in him. He considered it absolutely necessary for the House, if they wished to pay due regard to the constitution and composition of Committees, to have fixed rules in the management of them. The hon. Gentleman (Mr. F. French) had ample opportunity, on a former occasion, to raise the question. A number of those previously on the Committee, himself amongst the number, accepted office under the Crown, and their names were consequently withdrawn. Why did the hon. Gentleman not make his proposal when their places were filled up? The hon. Gentleman had allowed the present opportunity to go by, and having allowed it to go by, he came forward now to propose to modify the rule of the House by an alteration of the number of the Committee. That alteration, he ventured to say, was very highly objectionable. They were under extreme pressure in obtaining Gentlemen to serve on Committees. The number of election petitions and private Bills was so great, that it was almost impossible to supply the demand. The Indian Committee was already composed of thirty-one Members, well selected, fairly representing all the various portions of the House, and containing the most competent men to deal with Indian affairs. The hon. Gentleman, having allowed the proper opportunity to slip by, now wanted to alter the number of the Committee. He therefore hoped the House would abide by the rule, and not consent to qualify it on this occasion. The number of the Committee was very large, and the inconvenience of an increase would be extreme. Encouraged by the hon. Gentleman's success, other Members, doubtless, would be proposing to enlarge the Assurance, and other Committees. He hoped the House, therefore, would stop the evil in the beginning and adhere to the rule, and reject the Motion of the hon. Member for Roscommon (Mr. F. French).

Mr. CHICHESTER FORTESCUE said, that his name had been placed upon the Indian Territories Committee, but he had consented to have it struck off the list, on the ground that the Roman Catholic Members were not sufficiently represented upon the Committee. The hon. Gentleman whose name was substituted for his own, was the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald).

Mr. MAGUIRE said, he must assert that the Irish Members were excluded systematically from Committees, except those on Irish subjects. He believed that there had been great dissatisfaction in India in consequence of the injustice done to Roman Catholics, and at Hyderabad there had been disturbances on the subject; and this formed one reason why Roman Catholic Members should have been nominated to serve upon the Committee. A distinguished Member of that House, the hon. Member for the University of Dublin (Mr. G. A. Hamilton), had never been on but one Committee of a general character. As to Assurance companies in Ireland, if there were not many offices, there were a great many agents. There was not an Irish Member on the Committee of Divorce —a compliment, he supposed, to the fidelity of his countrymen to the marriage tie.

Mr. VERNON SMITH said, that he would have been the last to have objected to the admission of Irish Members to the Indian Committee if it had been proposed at the proper time; but he could not forego expressing his surprise that the Irish Members should have suppressed their indignation for twelve months. The Committee had already deliberated on one of the principal portions of the inquiry, and the introduction of two new Members would be a great inconvenience. He hoped, therefore, the House would not assent to the proposition of the hon. Gentleman. He would say one or two words about the progress of the Committee, which he regretted the right hon. President of the Indian Board was not present to hear. The Committee were now continuing their inquiries, although an intimation had been given in both Houses by the Government that they intended to bring in a Bill on the subject during the Session. Now, the Committee which sat last year made a Report, in which they divided their inquiry into eight heads, the first of which, it was stated, would embrace the consideration of the Government in this country, and the other seven were of very considerable importance. They comprised the military and naval departments of India, the income and expenditure, the judicial establishments, the system of education, the local improvements, the ecclesiastical provision, and another head covering all these things—one of miscellaneous topics. Now, if the proposed Bill was introduced upon the first head, neglecting the consideration of the seven others, he contended, as one of those who served upon the last Committee, that that could never have been the intention of the Committee when they made their Report to the House; that they could never have contemplated the introduction of a Bill with reference to one head without including the others he had mentioned. The inquiries of the present Committee would be of no possible avail unless they led to practical legislation; and if that were not the case, it would be better, instead of adding to their numbers, to discharge them at once from further attendance. If his right hon. Friend (Sir C. Wood) had been present, he should have been glad to know whether the Government were prepared to lay upon the table the Bill they intended for the government of India, or, if not, whether they would indicate to the House whether their intention was to bring in a Bill for the temporary or permanent government of that country—whether they intended to continue the Government, as it had been hitherto usual to do, for a period of ten or even twenty years, or only for such a period as would enable the Committee to continue their inquiry into the subject. The fact was that inquiry ought to have been instituted much earlier than had been done, if it was really expected that legislation was to be based upon the result of their labours. Owing to unavoidable circumstances there had been much less opportunities for the inquiry than were anticipated, even in the time during which the Committee had sat; but, if even this had not been the case, the period allotted for inquiry would not have been sufficient. There ought to have been a great many more examinations of natives of India and of persons who had been in that country. Even as it was, the news of the appointment of the Committee had brought from India many petitions, into the merits of which he did not mean to enter now, but which certainly deserved inquiry, whether the objections were reasonable or not. Opportunities for such inquiry, however, the Committee had had none, and would have none until the measure of the Government was brought in. Now, he was most anxious to see and discuss that Bill; and, in order to allay the excitement which prevailed upon the subject, and to show what the intentions of the Government really were, he did hope they would, before adjourning for the Easter holidays, either introduce their Bill, or, as he had said, state for what term—because that was the great point—it was intended to introduce the Bill at all. Upon that term would depend the value of the Committee; and he thought the Government might, before Easter, state their decision, not upon the details, but upon the duration of the term, which was a point that could not require so much consideration.

Mr. NAPIER said, he agreed with the right hon. Gentleman the Chancellor of the Exchequer in thinking it undesirable at this stage to increase the number of the Committee; but at the same time he confessed it would have been more satisfactory to Ireland if there had been more Irish Members upon it. Allusion had been made to his being appointed a Member of many Irish Committees; all he could say was, that doing duty on a general Committee was the severest mode of secondary punishment that could be devised for Members. He thought, however, it was of great importance, in every point of view, that Irish Members should be encouraged to mingle with other Members in discharging the functions of Committees of the House. In the ordinary habits of business, English Members were; perhaps, more distinguished than they were; and he could not fail seeing, that by a cordial co-operation of both in Committees, Irish Members would acquire habits which would not only be useful to themselves, but give weight and assistance to the administration of the affairs of the country and that House. They were all Members of an Imperial Parliament, and it was neither right nor desirable that any particular section of them should be isolated from the rest. He entirely concurred in the importance of laying the Bill before the House at the earliest possible period.

Mr. MONSELL said, the Committee had been appointed by the late President of the Board of Control, who had stated, not as had been alleged, that he would place Irish Members upon the Committee, but that if the number of the Committee was increased, he would then place additional Irish Members upon it. The present President of the Board of Control had simply substituted Members of the present Government for those who had gone out of office, and had continued the same number of Irish Members upon the Committee as his predecessor had done, and had substituted the name of the hon. and learned Member for Ennis (Mr. J. Fitzgerald) for that of the hon. Member for Louth (Mr. C. Fortescue). If the appointment of the Committee had now for the first time come under consideration, he should have been glad to see more Irish Members upon it; but, at present, any addition to the number which had been decided upon would be very inconvenient in itself, and a bad precedent for the future.

Mr. HUME said, he hoped the hon. Member (Mr. F. French) would not trouble the House to divide upon this Motion. As to the general question involved in the labours of the Committee, he deeply regretted to hear that the term talked of for the renewal of the charter was twenty or ten years, when they had from every part of India petitions from natives praying for an opportunity of stating their grievances. He contended that the Committee had no evidence, and were likely to have none, to show the real state of the natives of India, though he really had flattered himself that that would have been done which would have given content and satisfaction to a population so numerous and so important. He hoped Her Majesty's Government would reconsider the matter, and would pause before coming to any decision until that was accomplished which had been promised by two or three successive Administrations—namely, that before the renewal of this charter there should be a full and fair inquiry. It had been intended that the working, the judicial, and the revenue system of India should be fully entered into by the Committee; but it was utterly impossible to do that without hearing something of the facts of the case from the natives who were the sufferers in the event of any mismanagement, and yet it seemed the Government were determined to enter at once into permanent legislation on the subject. He knew there was a strong feeling in the country that permanent legislation ought not to take place until an opportunity was afforded for further inquiry.

MR. J. D. FITZGERALD said, that while he concurred in the observations which had fallen from the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), he thought that, under the circumstances, the Motion ought not to be pressed. He agreed that Irish Members had hitherto been excluded from Committees; but he would remind the hon. Member (Mr. F. French) that no Committee could be appointed without due notice thereof being given upon the paper, and then was the proper time to oppose its constitution.

MR. LOWE said, he regretted the absence of the right hon. President of the Board of Control (Sir C. Wood), which proceeded from unavoidable causes; but had his right hon. Friend imagined that reference would have been made in the course of the discussion arising out of this Motion to the general question of legislation regarding India, he would have no doubt endeavoured to be present. He would now only ask the House to suspend their judgment upon this very important question until to-morrow, when the whole question would come before them.

MR. FITZSTEPHEN FRENCH said, he was aware that when a Committee was named, it was invidious to get up and to take exceptions to a particular Member. He thought, however, that the right hon. Gentleman the Chancellor of the Exchequer, with whose politics he seldom coincided, had gone beyond his province in lecturing hon. Members. For his own part he felt himself quite as competent to bring forward any measure he pleased, as the right hon. Gentleman himself, his Parliamentary experience being quite as long and as extensive as that of the right hon. Gentleman. As far as the injustice to Irish Members was concerned, that was an evil which had long been felt. He pledged himself, however, so long as he had at seat in that House, he would not cease from his exertions to get this injustice redressed.

Question put.

The House *divided* :—Ayes 20; Noes 95: Majority 75.

PUBLIC HEALTH ACT.

COLONEL HARCOURT said, he rose to move for a Return of all cases in which either of the Superintending Inspectors of the General Board of Health have been employed as the engineers in carrying out the works which have been executed under the authority of the Public Health Act, 1848. In moving for these Returns he considered he was only doing that duty which fell to the lot of every Member of that House, namely, that of drawing attention to an abuse which had lately come to light. The way the abuse came to his knowledge was this: In 1851 Ryde was attempted to be brought within the operation of the Act, by the application of some anonymous parties against the wishes of the majority of the inhabitants. Mr. Ranger was thereupon sent down to ascertain if it were desirable and expedient that this Act should be applied to the district. A public meeting was called by advertisement, and notices were sent to the ratepayers to tell them such a meeting was to be held. The meeting took place, and there was a large majority against adopting the Act. This was not thought sufficient, and the ratepayers were appealed to in another form. The result was a majority of forty-one against the introduction of the Act. Mr. Ranger went down to Ryde to make further inquiries, and on another appeal being made to the inhabitants there was a majority of 355 against the Act. The inhabitants, in order to remedy the complaints against the supply of water, formed a company for that purpose. No sooner was this done than a second company was set on foot, and Mr. Ranger was actually appointed engineer, and paid for his services on behalf of this second company, he having reported in favour of the extension of the Act. Now, he thought it was a gross abuse that the officer who was sent down to conduct an inquiry, and report whether it was right the Act should be enforced, should make himself not only a party to the case, but should benefit by the nature of his Report. He was also informed that the people of Cowes applied to the Board of Health as to the value of their waterworks. Mr. Ranger came down to see them, and in a short time a bill of 80*l.* was sent in. Now, considering that Mr. Ranger, while employed by the Board of Health, received 3*l.* 3*s.* per day, he thought such a system of charges was a gross abuse. Again, at Southampton, Mr. Ranger was employed to carry out the works he had reported necessary. Nothing, however, was done to ensure a good supply of water, except the purchase of a piece of land for experimentalising. He thought that the abuses which had arisen from the conduct of those who were employed to carry out this Act, ought to be brought under the notice of the House, with the view to their remedy. He admitted there were many very good provisions in the Act: it had been said, England likes not coalitions; but he said, England does not like that such extensive powers should be confided to irresponsible persons or authorities. He had only the public advantage in view in bringing forward this question; and he trusted that the right hon. Baronet would not allow himself to be led by the representations of interested parties, but would exercise his own high talents and judgment, and cause a full and impartial inquiry into the alleged abuses.

SIR WILLIAM MOLESWORTH said, he would not then enter into a statement of the duties of the Board of Health; but he would say that the reconstitution of the Board of Health was under the consideration of Her Majesty's Government, and something would no doubt be done. He had no objection to the Returns being produced.

Motion *agreed to.*

Colonel Harcourt

CHATHAM ELECTION COMMITTEE.

Resolution of the Chatham Election Committee, read, as follows:—

"That it is the opinion of this Committee, that there are strong grounds for believing that Stephen Mount, in giving his evidence before the Committee, has been guilty of wilful and corrupt perjury."

MR. LOCKE KING said, he wished to call the attention of the House to the above Resolution of the Chatham Election Committee; and to move, firstly, that the Attorney General be directed to prosecute the said Stephen Mount for wilful and corrupt perjury; and, secondly, that in all cases in which a Committee shall report there are grounds for believing a witness to be guilty of perjury, the Attorney General be directed to prosecute at once. It was a melancholy fact that there were many witnesses examined before Election Committees who took a solemn oath to tell the truth, but who entered the Committee-room with the fixed determination either to withhold the truth, or to say the very opposite. It had been truly remarked that it was easier to draw blood from a witness before an Election Committee, than the truth. He hoped the House would not allow such things to continue. Justice was now undermined by falsehood, and, unless some effectual check were devised, it would be said that they not merely allowed but almost encouraged perjury. He was on the Bridgenorth Election Committee, and a witness was produced who stated that he was a labouring man and often out of work, and that when at work his wages were 8*s.* a week; and yet that man was found to have gold in his possession during the election. He accounted for it by saying that when seeking for work he found a 5*l.* note several weeks previous to the election. He changed it, and kept it till the election. The fact was, that witnesses came into the Committee rooms blackened with bribery and perjury. With regard to the Chatham Election, he considered the House to be greatly indebted to the Committee for the straightforward way in which their Report was made. They stated that, in their opinion, "there were strong grounds for believing that Stephen Mount, in giving his evidence before the Committee, was guilty of wilful and corrupt perjury." The House surely could not require any stronger proof to warrant putting that man on his trial. It was not necessary to wait for the evidence to be printed. With regard to the other part of his Motion—that of directing the Attorney

General, when a Committee reported that there were grounds for believing a witness to be guilty of perjury, to prosecute at once; his object in making that proposition was, if possible, during the time these Committees were sitting, to prevent the recurrence of perjury. If witnesses were certain that a prosecution would immediately follow the act of perjury, it would, in a great measure, check the offence. The question was so simple and clear that he would at once submit his Motion to the House.

MR. BRAMSTON begged, as Chairman of the Chatham Election Committee, to second the Motion. He had not been authorised by the Committee to make a Motion that the witness, Mount, should be prosecuted; at the same time, having heard that evidence, he had not the slightest doubt on his mind, nor did he think any Member of the Committee had, that the man while giving evidence was telling very gross falsehoods, and that in point of fact he was guilty of wilful and corrupt perjury. He thought it was of very great consequence that the character and dignity of the Election Committees should be held up to the utmost by the House; and that the witnesses and parties should know that they could not come before these tribunals and wilfully tell what was false without incurring the risk of the same punishment as would be inflicted upon them if convicted before any Court of Record in the Kingdom. It was also of great consequence to show witnesses the distinction which existed between Select Committees of Inquiry upstairs, and Committees of the nature of Election Committees, which, by virtue of certain Acts of Parliament, had power to try the issue brought before them, upon oath, and were constituted in all respects as judicial tribunals. They should be made to feel that if they dared to tell falsehoods they would be subject to the severity of the law. He therefore cordially seconded the Motion. At the same time, he very much doubted the expediency of the second Resolution of the hon. Member. He thought it was of great consequence that a Motion for prosecuting a witness for perjury should be made by the Chairman of the Committee, under the direction of the Committee itself, who had heard the evidence and were cognisant of the manner in which it was given. They ought not to fetter the proceedings of these Committees, nor those of the House, by any sweeping and general Resolution of the description proposed by the hon. Member (Mr. L. King). If any Committee should declare a witness guilty of corrupt perjury, and did not choose to prosecute, there was no doubt many Members would be ready to take the matter up. It was better, therefore, in his opinion, to leave that part of the subject to the independent consideration and decision of the Committees and of the House.

Motion made, and Question proposed—

"That the Attorney General be directed to prosecute Stephen Mount for wilful and corrupt perjury, in giving his evidence before the Chatham Election Committee."

VISCOUNT PALMERSTON said, he wished in the first place, to express his most cordial concurrence in the opinion delivered by his hon. Friend (Mr. L. King) as to the fair and impartial manner in which the Election Committees had performed their duties. It was impossible to do more than common justice to them in saying that they had acted with the greatest impartiality, and, what was still better, had acted with becoming promptitude. He attached as much importance as any man could possibly do to punishing, and thereby preventing, perjury before these Committees, because it was obvious, if witnesses who were brought before Election Committees were permitted to pursue that course of perjury which it appeared some witnesses had systematically pursued, the functions of the House of Commons itself would be entirely defeated, and all the purposes for which these Select Committees were appointed would be entirely frustrated. Therefore it was the duty of the House to visit with every possible degree of severity every case of perjury which could be established against any witness. He therefore entirely concurred with that part of the Motion which directed a prosecution in this case. He believed, according to the ordinary course, it would have been the part of the Committee to resolve that their Chairman should make that Motion. So far as regarded the suggestion of the hon. Gentleman who seconded the Motion (Mr. Bramston), that the second Resolution should be omitted, he entirely agreed. It would no doubt be right to make good the omission of the Committee in the present case; but with regard to all future cases he thought it would be better to leave it to the Committees to pursue what was the regular course, and not to take out of the hands of the Committees functions which properly belonged to themselves; reserving, of course, to the House, the power of making good any case of omission by the Committees of that duty which properly, and according to the usual practice, belonged to them. He therefore would suggest to his hon. Friend to omit the second Resolution: to the first he was sure he would receive the unanimous assent of the House.

Mr. NEWDEGATE begged to express his full concurrence in what had fallen both from the Chairman of the Committee, and from the noble Lord the Home Secretary. As a Member of that Committee, he regretted that the Chairman did not recommend a prosecution in this case, for there were several other circumstances connected with the evidence which made it appear to him one of the most aggravated cases of perjury that in all his experience he had ever become acquainted with.

Mr. LOCKE KING said, that after the suggestion which had been made to him, he of course should not press the second Resolution; but he could not help expressing his regret that it should be omitted.

Sir JOHN SHELLEY said, he hoped in coming to this Resolution, the House would carefully avoid attacking small men, without at the same time being prepared to attack the great. Among the Sessional Orders he found two, one of which he thought applied quite as much to the man who was unseated for bribery as the other did to the case of the individual then before the House. The Sessional Order, referring to the case of perjury, stated, that if it should appear that any person had given false evidence in any case before the House or before Committees, the House would proceed with the utmost severity against such individuals. He also found it resolved that if it should appear that any person was elected or returned to the House, or endeavoured so to be, by bribery or any corrupt practices, the House would proceed with the utmost severity against such person for such corrupt practices. His object was to express his hope that the House would proceed with evenhanded justice in this case, and that this latter Sessional Order would be followed up; and, as Sir Frederick Smith had been found guilty of bribing voters at the Chatham Election, he hoped the Committee would recommend the same course to be pursued with regard to Sir Frederick Smith as was now recommended in the case of Stephen Mount, and that he would be visited by the House with the utmost severity, according to the terms of the Sessional Order to which he had referred.

Mr. BRAMSTON said, the Committee appeared to have been guilty of more than one omission, for they ought to have stated in their report that the witness Mount was called by the petitioners, and not by the Member who was unseated. A misapprehension had gone forth in that respect. The sitting Member having been charged with bribery, and bribery having been proved against him, the evidence of the witness Mount might be considered to have affected him. But that was not the case. Mount's evidence was tendered by the petitioners, and did not at all affect the unseated Member.

Resolution *agreed to.*

THE ADMIRALTY COURT.

Mr. R. PHILLIMORE then moved for a return of the number of actions or suits in the High Court of Admiralty of England for each of the six years preceding the passing of the Act 3 & 4 *Vict.*, c. 65. His object in moving for this Return was to furnish the House with a practical refutation of certain statements with reference to the Court of Admiralty, which had obtained currency both within and without the walls of that House—statements which were false in most cases, and in all cases grossly exaggerated. He hoped to show that in time of peace justice between individual parties was as satisfactorily administered in this Court, as in time of war international justice was done, to the honour and credit of the country. The 3 & 4 *Vict.* furnished practical evidence of the efficiency of this tribunal, for while it largely extended its jurisdiction it gave parties who had suffered damage from collisions or other causes an opportunity to seek their remedy in a Court of Common Law if they preferred it. The object of this Motion was to show that that option had, since the passing of the Act, been almost invariably exercised in favour of the High Court of Admiralty.

Return *ordered*—

"of the number of Actions or Suits in the High Court of Admiralty of England for each of the six years preceding the passing the Act 3 & 4 *Vict.*, c. 65, 'to improve the practice and extend the jurisdiction of the High Court of Admiralty in England,' and for each of the six years preceding Christmas 1852 inclusive, specifying the nature of each Action or Suit, and whether personal or against the ship, distinguishing Foreign from British ships; and in cases of damage, whether single or cross actions; and in cases of possession or bottomry bonds, whether involving claims in equity; and in cases of wages, whether involving claims of masters and seamen against bankrupt owners of ships."

CATHEDRAL APPOINTMENTS BILL.

Order for Third Reading read.

Bill read 3°.

Mr. FREWEN moved that a clause be added, enacting that, after the passing of the Act, the provision relating to the union of benefices in the Act of 1 & 2 *Vict.* to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy (except in the case of any benefices situate in any city or town where it shall appear desirable to the bishop of the diocese to pull down and remove one or more churches), shall only extend and be applicable to and for the union of the two benefices, or one benefice and one spiritual sinecure, rectory or vicarage, the aggregate yearly value of which does not exceed 600*l.*; and the churches (or, if there are more than two, then the churches which are the furthest from each other) shall be within one mile and a half of one another by the nearest road, and the annual value of one of the said benefices, or spiritual sinecure, rectory or vicarage, shall not exceed 200*l.*, or the population of one of them shall not exceed 100 persons, according to the last census taken by the authority of any Act of Parliament; provided always, that nothing herein contained shall be construed to alter the provisions of the 26th section of the said recited Act for annexing isolated places to the contiguous parishes, or making them separate benefices. He proposed also to add these words to the title of the Bill, "and to prevent the union of benefices above a certain value." His sole object in making the Motion was to prevent the consolidation of two or three contiguous parishes with more than adequate endowments, except under reasonable circumstances. He did not think Her Majesty's Government could object to the course he had deemed it desirable to take in the matter, and he contended that the clause might be very properly introduced into the Bill.

Clause *brought up*, and read 1°.

Mr. SIDNEY HERBERT said, that the clause which the hon. Member proposed to add to this Bill, constituted the main part of one which was thrown out on Wednesday week last.

Mr. FREWEN said that this clause was withdrawn and not rejected.

Mr. SIDNEY HERBERT said, that the fact was that this clause, which the House had already considered and decided against, was one so entirely foreign to the subject matter of the Bill upon which the hon. Member proposed to engraft it, that he was actually obliged to alter the title of the Bill. If the hon. Member had proposed to add this clause to the Bill for the repeal of the Attorneys' Certificate Duty, it would have had as much reference to that as to the Bill now before the House, which did not relate to the cure of souls further than by enacting that for the next two years any appointments made to fill vacancies occurring after the 3rd of March, should be subject to any enactments recommended by the Commission now sitting. He would not now discuss the clause on its merits, but merely remind the House that Parliamentary proceedings would be involved in inextricable confusion, if on the third reading of a Bill they allowed a clause to be inserted in it which had no reference to the matter in hand.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided* :—Ayes 23; Noes 65: Majority 42.

Bill *passed.*

METROPOLITAN IMPROVEMENTS (REPAYMENT &c.) BILL.

Order read, for resuming further Proceeding on Question [9th March], "That Mr. Speaker do now leave the chair."

Question again proposed.

Further proceeding *resumed.*

On the Order of the Day for the House going into Committee on the Metropolitan Improvement (Repayment out of Consolidated Fund) Bill,

Mr. HENLEY said he must characterise this Bill as containing some things which were certain, and others which were uncertain. The right hon. Chancellor of the Exchequer was to pay 130,000*l.* or 140,000*l.* (stated to be interest now in arrear) to the Commissioners of Works, who were to hand over the amount to the Commissioners of Woods by an operation which the right hon. Gentleman had described. The money would then find its way into the revenue of the Woods and Forests, which would be greater than it would otherwise have been by that 130,000*l.*, or 140,000*l.*, to which a sum of 30,000*l.* would further come to be added, the whole increasing the revenue of the Woods and Forests, and consequently the Ways and Means for the year

1853-54. That might be a very desirable process, but it would be equally effected by taking a substantive sum of money out of the balances in the Exchequer, and carrying that to the Ways and Means of the year. He did not think he misrepresented that part of the transaction when he said that the money must swell the revenue of the Commissioners of Woods, being paid to them in the shape of interest, and that that would increase the land revenue. He did not complain of the transaction, but that seemed the nature of it. Then came the other part of the transaction—taking funds from the Exchequer sufficient to pay off mortgages on which the land revenue of the Crown was liable to pay interest. The right hon. Gentleman said these could not be paid off at once, because they were under different agreements with the different parties in respect of notices. Those sums, he understood, could be paid off in two years; but on that point the right hon. Gentleman would doubtless give explanations in Committee. There was one other part of the transaction which did not seem so satisfactory. Those funds were originally raised and charged on certain duties which formed what was called the "London Approaches Fund." The right hon. Gentleman did not inform the House when that fund would commence recouping the money into the Exchequer—repaying the Consolidated Fund the money he was now going to take out of it. The taxation by which that money was to be recouped was not very patiently submitted to by those who had to pay it; and it was desirable to know whether it was intended to get rid of that taxation. The present transactions gave a great handle to those who desired to get rid of that taxation; and, had he (Mr. Henley) been one of the parties intent on getting up an agitation, he could not have wished a more favourable card to be played than that which the right hon. Chancellor of the Exchequer had played.

Sir HENRY WILLOUGHBY said, he had on a former occasion moved for some returns connected with this subject, which he elicited at the time, but failed in accomplishing the object he had in view. He trusted that the right hon. Gentleman the Chancellor of the Exchequer would afford the House that information which was so desirable on the subject. There was a debt of 1,200,000*l.*, and the right hon. Gentleman opposite had said that there were assets to the extent of 1,216,000*l.*, but that debt had been created for a purely local purpose, namely, to make new streets in the City of London. He saw no reason, therefore, for placing this debt upon the Consolidated Fund. The right hon. Gentleman had not explained how the 1,216,000*l.* was to be realised. It was true he had stated that he expected to get 250,000*l.* for building sites along the new streets; but, allowing him full credit for that sum, how was he to get the difference between 250,000*l.* and 1,200,000*l.* out of the London Bridge Approaches Fund? He considered that the Chancellor of the Exchequer had no right to charge the general revenues of the Crown with any sum for improvements in the City of London. He had also to complain of the short preamble of the Bill. A short preamble was all very well; but in this case the preamble was perfectly unintelligible, and he believed there were not three hon. Gentlemen in the House, with the exception of those connected with the measure, who could understand it.

Mr. ALCOCK said, he was decidedly opposed to this Bill, because the right hon. Chancellor of the Exchequer had stated that it would not make the slightest difference in the duty now charged upon coals. He objected to a tax being levied, not only upon the inhabitants of London, but upon all those who lived within twenty miles of it. The London coal duties were now charged upon 3,000,000 of persons; and not only had the citizens to pay it, but also those who lived in the metropolitan counties, and who derived no benefit whatever from local improvements. The inhabitants of Croydon, for instance—a town situated twelve miles from the heart of London—consumed 40,000 tons of coal annually, and upon that quantity they paid a tax of 3,000*l.* a year to the City of London. He saw no reason why the City of London should not pay for the maintenance of its own bridges. It had the honour of being a county as well as a city, and therefore, if it enjoyed the distinction, it ought also to bear the responsibility.

Question put, and *agreed to.*

House in Committee.

The CHANCELLOR of the EXCHEQUER said, he rose to correct an error in his statement on the preceding day. He had stated that the consumers of coals would not have to pay a farthing more or less under this Bill, whereas he should have stated that the consumer of coals would pay considerably less under this Bill than he paid before. By the opposition of the hon. Gentleman who spoke last, the consumer of coals might have to pay more than he would otherwise be subject to, for the amount he would have to pay would depend upon the slowness or rapidity with which the Bill should pass through the House, because the longer the debt remained in existence, the greater the interest upon it would be, for it went on accumulating at the rate of 150*l.* a day. The London Bridge Approaches Fund was liable for the whole of the principal and interest, and the natural operation of this Bill would be to accelerate the paying off of the debt, and thus to stop the accumulation of interest, thereby diminishing the burden upon the London Bridge Approaches Fund. The hon. Baronet (Sir H. Willoughby) said they had no right to charge the general revenue of the country for local improvements. That was a very just and sound principle, and this Bill was in no way inconsistent with it. There seemed to be some idea that they were going to place the principal debt upon the general revenues of the country; but he had already stated that the principal debt was now chargeable on the land revenues of the Crown. The Sovereign, who had a life interest in the land revenues, had been advised by the advice of Her responsible advisers, to assent to the Act which mortgaged part of the land revenues; so that, so far as the period of the Sovereign's life was concerned, a charge on the land revenues was precisely equivalent to a charge upon the Consolidated Fund. So far as anything beyond the Sovereign's life was concerned, he granted that the case was different; but he was sure that the House would never allow the Sovereign to be defrauded of part of the property of the Crown which had been mortgaged for a public benefit in which the Crown had no interest whatever. The right hon. Gentleman (Mr. Henley) wished to know in what time the debt that had been incurred and charged upon the land revenues would be paid off, and he (the Chancellor of the Exchequer) had answered that question by anticipation. He had informed him that it was impossible to define the exact time within which it would be paid off, because it depended upon the productiveness of the London Bridge Approaches Fund. Although it might be very easy to form a fair estimate of the productiveness of that fund, yet it was impossible to form such an estimate as could be relied upon for minute accuracy, because it of course depended upon the state of trade in London, the progress of population, and other circumstances, which must be mere matter of calculation and not of positive statement; but he had the satisfaction of saying that it was very clear that the charge on the London Bridge Approaches Fund would be paid off some considerable time before the law for levying the coal tax expired. He thought he should be speaking within the mark if he estimated the sum which the Government might expect to receive annually from the London Bridge Approaches Fund at some 150,000*l.* or 160,000*l.* or so. At present there was a sum exceeding 80,000*l.* already available for the purpose of the process to which this Bill related; but it was not possible for him to make use of that sum for the purpose of diminishing the total charge on the Consolidated Fund, because there were two questions of priority as to the application of that money which it would be difficult to solve. He should hope that a period of five or six years, or perhaps less, would suffice to terminate and wind up the affair.

MR. HENLEY said, he understood the hon. Gentleman to say that every day they postponed the passing of this Bill they were increasing the charge on the London Bridge Approaches Fund, and so delaying the period when the coal tax would cease. To the extent of 34,000*l.*, the interest on the 895,000*l.* which the right hon. Gentleman meant to repay to the several parties, we should be contributing out of the funds of the country for local improvements.

SIR WILLIAM JOLLIFFE said, he wished to ask what was the sum that would have to be repaid to the Treasury from the London Bridge Approaches Fund before any reduction could take place in the coal duties levied from the public? Was it the 895,000*l.*, the 961,000*l.*, or the whole 1,240,000*l.*? It was impossible to make this point out from the Bill.

The CHANCELLOR OF THE EXCHEQUER said, that he was now assailed on both sides with regard to this Bill; and he hoped that before the hon. Gentleman behind him (Mr. Alcock) charged him with seeking to increase the burdens of the consumers of coals, he would first settle his quarrel with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who objected to the Bill that it would relieve the London Bridge Approaches Fund of the sum of 34,000*l.* for interest, which was due to the Consolidated Fund. These were two contradictory charges, and it was impossible that they could both be true. It so happened that neither of them was correct. The Bill, by accelerating the liquidation of the debt, and so curtailing the period for which interest would accrue, would *pro tanto* relieve the consumer, and enable the duty levied from the people of London and its neighbourhood to be extinguished at an earlier period than would otherwise be the case; but the right hon. Gentleman misunderstood the terms of the Bill when he said hat the interest was to be put an end to at the expense of the Consolidated Fund. The matter was exceedingly difficult and complex, but he could assure the right hon. Gentleman that he was mistaken in this view. The debt had been incurred and the interest accruing upon it was one thing, and the charge that existed for the purpose of replacing that debt was quite a different thing. The obligations of the London Bridge Approaches Fund was not to pay off the debt which the Commissioners of Woods and Works incurred, and the interest thereupon; what it had to do was to pay a certain principal sum, namely, 665,000*l.*, and interest thereon at the rate of five per cent, until the whole was paid off. Now, he was sorry to say that he could not undertake the responsibility of those who originally made this arrangement, and he could not answer the question why, while the sum of 895,000 of principal debt was incurred, a charge of only 665,000*l.* was taken on the London Bridge Approaches Fund; but he presumed it was because there were other assets to look to. On the whole, considering the complexity and absurdities of the original operation, he was well pleased to find that the matter stood as it did, because whilst, if they did not pass this Bill, the accumulation of interest might be so great that he could not answer for the London Bridge Approaches Fund being able to discharge it, yet, on the other hand, if they did pass it, it would check the growth of interest in a manner which would render it perfectly certain that the Crown would recover all that was due to it, and at the same time the period during which the consumer would have to pay the coal tax would certainly be abridged. But the right hon. Gentleman (Mr. Henley) said they were going to pay off the 895,000*l.*, and the interest would cease, and he asked if the Consolidated Fund was to be at the charge of that interest? Now, the London Bridge Approaches Fund would pay off the 895,000*l.*, and would get no interest; nor had the land revenues of the Crown any power of getting the interest. There was the charge of 665,000*l.* upon the London Bridge Approaches Fund, upon which 296,000*l.* of interest had already accrued. The proceeds of the sales of ground rents are estimated at 250,000*l.*; and there was also a repayment of 30,000*l.* expected from the Westminster Improvement Commissioners. These were the total assets against the sum of 1,250,000*l.*, which was the maximum liability of the London Bridge Approaches Fund. The hon. Baronet (Sir H. Willoughby) asked which of the amounts was going to be paid into the Treasury — the 895,000*l.*, the 961,000*l.*, or the 1,250,000*l.* It was not the 895,000*l.* That was an obligation for the recovery of which they had no claim as such. That was simply a debt of the land revenues of the Crown, and must be liquidated. But then, the hon. Baronet asked, was it the 961,000*l.*? Certainly that was a part of it—that was a portion of the assets which were available for the Commissioners of Works, as the law now stood, towards releasing the land revenues of the Crown, and repaying the charge that had been incurred for interest. It was not the 1,220,000*l.*; that was the maximum of charge upon the Treasury; and the assets that would be available for the Consolidated Fund, and which he thought might be considered as entirely of a good and secure character, exceeded the sum of 1,220,000*l.*

SIR HENRY WILLOUGHBY said, he thought the statement made by the right hon. Chancellor of the Exchequer, with respect to the London Bridge Approaches Fund was quite satisfactory; but he still contended that the Consolidated Fund did take upon itself a portion of debt for which there was no security.

SIR DE LACY EVANS hoped that the object of this measure was to reduce the interest upon the whole amount by one or one and a-half per cent, and that by that process the tax upon coals might terminate the sooner, for the benefit of the metropolis.

MR. HENLEY said, if the two funds were entirely distinct, he did not understand why the 130,000*l.* was to be carried to the Ways and Means of the year.

The CHANCELLOR OF THE EXCHEQUER said, the land revenue was entitled to receive, as the law now stood, from the Commissioners of Works the reimbursement of all that was paid out in interest on the London Bridge Approaches Fund and other assets. He now proposed that they should be reimbursed immediately, instead of remaining longer out of their money. This was not a payment that had been made by the land revenues once and for all and without return. The land revenues, although they could not recover that payment of interest, *eo nomine,* yet they were entitled to that charge on the Approaches Fund. The right hon. Gentleman (Mr. Henley) said, was it the object of the Government to put it to Ways and Means? Certainly he (the Chancellor of the Exchequer) had no object of that kind. It was a postponed payment on account of revenue; and therefore when this Bill was passed the 130,000*l.* would come into credit, and become a part of the revenue.

Clauses *agreed to.*

House resumed.

House adjourned at Twelve o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXIV.

SECOND VOLUME OF SESSION 1852-1853.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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ERRATA.

Page 764, line 5 from bottom, *for* Captain Lindsay, *read* Colonel Lindsay.
„ 770, line 5, *for* Mr. Vane, *read* Mr. Vance.

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